



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 3. **File #:** 15-15555 **Type:** Zoning Decision

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## **Rezoning Petition: 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC**

***Update: Petitioner is requesting deferral to May 17, 2021***

**Location:** Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community. (Council District 1 - Egleston)

**Current Zoning:** R-5 (single family residential) & R-22MF (multi-family residential)

**Proposed Zoning:** UR-2 (CD) (urban residential, conditional)



## **Zoning Committee Recommendation**

**Rezoning Petition 2019-179**

**August 4, 2020**

### **REQUEST**

Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

### **LOCATION**

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Belmont Community.  
(Council District 1 - Egleston)

### **PETITIONER**

Ronald Staley, Jr – Verde Homes, LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Belmont Area Revitalization Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family uses up to five dwelling units per acre (DUA) for the site

However, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.
- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes

- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan (2003) from single family residential uses up to five dwelling units per acre to residential uses over 22 dwelling units per acre.

Motion/Second: Kelly / Barbee

Yea: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

#### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

A brief discussion was had regarding the proposed pervious pavers on site and the benefits provided by such. The rules were suspended, and Paul Pennell from Urban Design Partners noted that the pavers were added to decrease runoff and assist in the preservation of on-site trees and that the petitioner was agreeable to increasing the amount of pervious pavers.

There was no further discussion of this petition.

#### **PLANNER**

William Linville (704) 336-4090

**REQUEST**

Current Zoning: R-5 (single family residential) & R-22MF (multi-family residential)  
 Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 1 acre located near the SE intersection of Parkwood Avenue and Hawthorne Lane in the Plaza Midwood community.



**SUMMARY OF PETITION**

The petition proposes to rezone a currently vacant parcel in the Plaza Midwood neighborhood to allow for construction of 3 single family attached triplex residential units and 22 multi-family residential units (25 total units representing approximately 25 DUA).

**PROPERTY OWNER**

Miles Boyd and Dorothy F. Barnes

**PETITIONER**

Ronald Staley, Jr. – Verde Homes, LLC

**AGENT/REPRESENTATIVE**

Paul Pennell, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Virtual Community Meeting: 17

Second Virtual Community Meeting has been held (07/13/20).

Number of people attending the second Virtual Community Meeting: 9

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Belmont Area Revitalization Plan's* (2003) recommendation for single family residential uses up to five dwelling units per acre (DUA).

Rationale for Recommendation

- The proposal helps achieve the Plan's vision of a "family-oriented community diverse in age, culture, and income" by committing to three affordable dwelling units (12 percent of total). This provision of affordability also addresses the Plan's housing goal that seeks to increase and facilitate home ownership.

- The proposal addresses a goal of the Plan to create a more pedestrian friendly community by improving the pedestrian realm through the provision of an 8-foot planting strip and 8-foot sidewalk along Parkwood Ave.
- The site considers the environment by orienting parking in such a way that preserves two existing, mature trees that will reduce any heat island created by the surface parking lot. It also commits to installing pervious pavers to help treat runoff and allow water infiltration to benefit existing trees.
- While not a specific goal or objective, the Plan references, in numerous places, the need for rehabilitated and new single family infill homes. This rezoning provides that infill through the provision of three single family attached homes
- The Belmont Area Revitalization Plan speaks to the opportunity for single family infill development on this vacant site and states that new homes should be compatible in design character with the existing adjacent housing stock. The plan's conditional notes commit to architectural and design features for both the attached single family units and the multi-family units facing Parkwood Ave.
- The proposed density of 25 DUA is just over the entitled density (R-22 MF) for the portion of the site fronting Parkwood Avenue and is a reasonable increase in density for a site that is addressing its context through architectural design standards.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan* (2003) from single family residential uses up to five dwelling units per acre to residential uses over 22 dwelling units per acre.

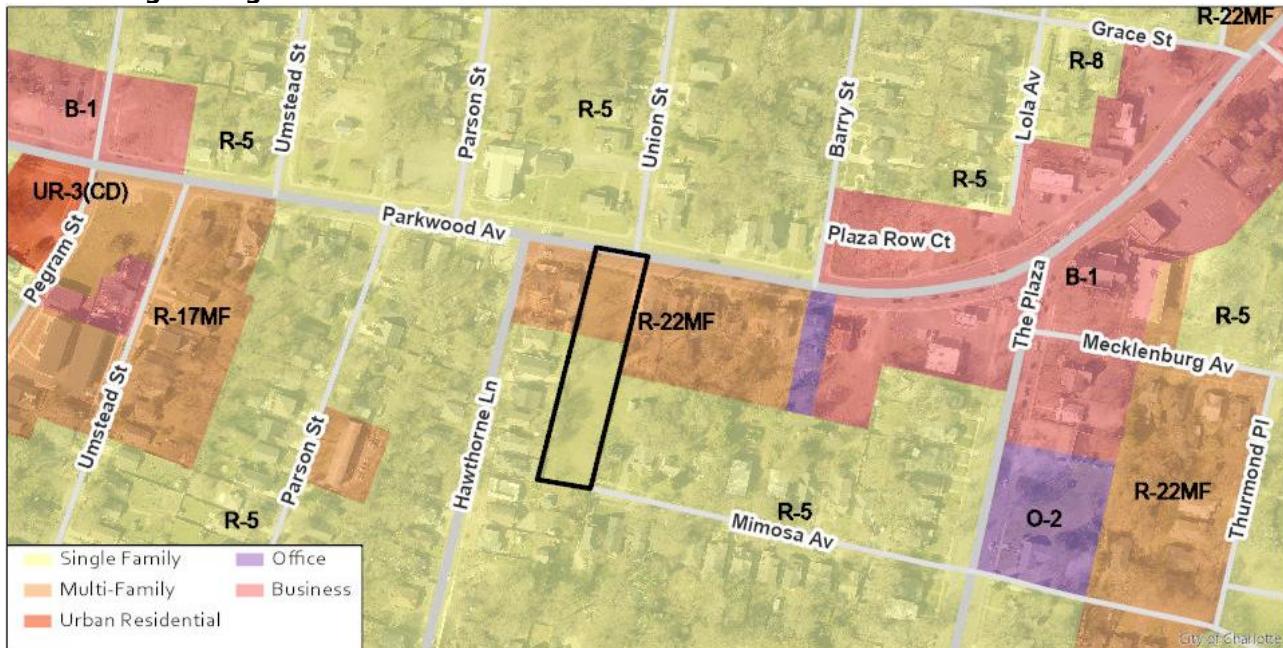
## PLANNING STAFF REVIEW

- **Proposed Request Details**

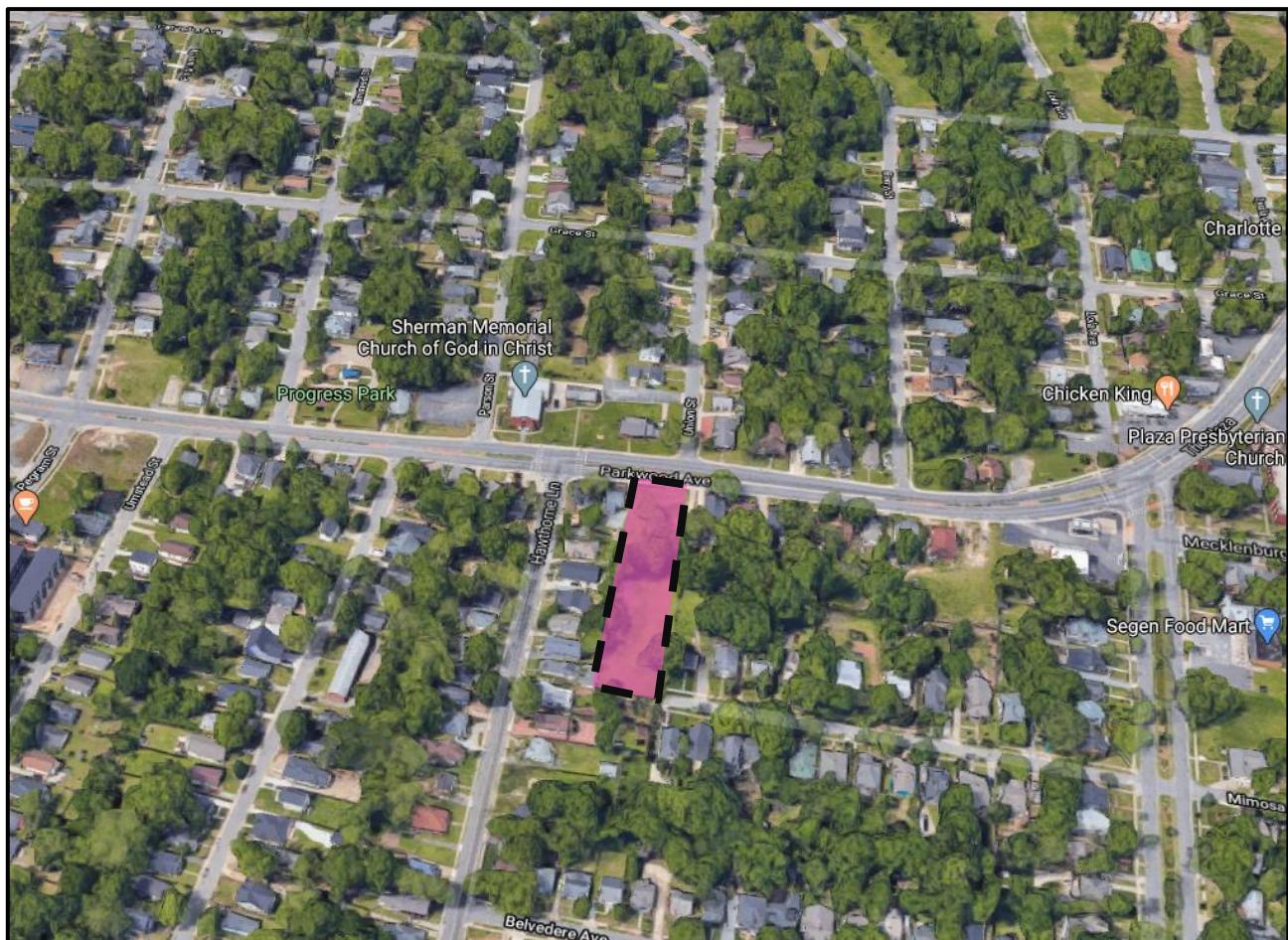
The site plan accompanying this petition contains the following provisions:

- Proposes 3 single family attached residential units and 22 multi-family residential units (25 total units/ 25 DUA).
  - Within the multi-family structure, two residential units shall be affordable units (80 percent AMI or below) for a period of 15 years.
  - Within the single family structure, one residential unit shall be affordable (50 percent AMI or below for a period of 15 years).
- Proposes the construction of two total structures, with the structure closest to Parkwood Avenue being comprised of the 22 proposed multi-family units and the remaining structure constructed near the southern extent of the property.
- **Proposes 29 surface parking spaces and three garage parking spaces – provides pervious pavers for a majority of the parking lot.**
- Commits to a multi-family building height of 50-40 feet (**three stories**) and single family attached maximum building height of 35 feet (**2.5 stories**).
- ~~Provides a driveway connection from Mimosa Avenue for one single family attached triplex building as well as a pedestrian connection from units to the sidewalk along Mimosa Avenue.~~
  - ~~Commits to treating the driveway entrance at Mimosa with masonry columns on either side.~~
- **Restricts vehicular connections to the site from Mimosa Avenue.**
- Provides 6-foot wooden screen fence along the southern and eastern property lines.
- Commits to an improved streetscape along Parkwood Avenue comprised of an 8-foot planting strip and an 8-foot sidewalk.
- Commits to installing an ADA-compliant bus pad along the property's Parkwood Avenue frontage.
- Commits to additional architectural design standards including a commitment to specific building materials, a limitation on the usage of vinyl, the presentation of front or side to all streets, screened HVAC.
- Commits to 15' height for all detached lighting (full cutoff, downwardly directed).

• Existing Zoning and Land Use



There is no rezoning history available for this site. The subject property is split zoned, with the northern portion zoned R-22 MF and remainder zoned R-5. The site is currently vacant. It is nestled within an existing detached single family neighborhood in the NW corner of the Plaza Midwood community. Commercial development begins as you travel east along Parkwood Avenue. Much of the surrounding area is detached single family residential.



General location of rezoning boundary outlined in black dashed line/pink fill.



View of the subject property as seen from Parkwood Avenue. Single family homes are on either side.



Context of surrounding residential located along Parkwood Ave.



Streetview along Mimosa Avenue. Mimosa Avenue terminates at the southern edge of the subject property.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-156	Petition to rezone .52 acres to allow multi-family units at a density of 33.5 units per acre.	Approved

- Public Plans and Policies**



- The *Belmont Area Revitalization Plan (2003)* recommends single family residential uses up to five dwelling units per acre for this site.

- TRANSPORTATION SUMMARY**

- The site is located on a major thoroughfare road. The site commits to installing the required streetscape along Parkwood Avenue. CDOT is requesting the petitioner update the site plan to construct a driveway that meets the Charlotte Land Development Standards.

- Active Projects:**

- Parkwood (N. Davidson – The Plaza) Improvements
  - This project will install pavement markings to create a buffered bike lane on Parkwood Avenue from Belmont Avenue to The Plaza. Several new signals will be added within the project limits as well.

- Transportation Considerations**

- No outstanding issues.

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land use).

Entitlement: 50 trips per day (based on 5 dwellings).

Proposed Zoning: 140 trips per day (based on 20 dwellings (3 single family; 22 multi-family)).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 1 student. Therefore, the net decrease in the number of students generated from existing zoning to proposed is 1 student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Shamrock Gardens Elementary remains at 107%
    - Eastway Middle remains at 118%
    - Garinger High remains at 122%

**Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Parkwood Avenue. Charlotte

Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Parkwood Avenue. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## **OUTSTANDING ISSUES**

### Transportation

1. Revise the driveway to Mimosa Avenue to meet Charlotte Land Development Standards Manual for two way circulation since it is a shared driveway. **ADDRESSED**

### Site and Building Design

2. The petitioner should present a design that is more aligned with the future land use of the parcel and reflective of the surrounding residential context that is proximal to the site along Mimosa Avenue and Parkwood Drive. These changes should reflect a reduction in density, height, and overall impervious area of the proposal. The proposed surface parking lot is not supported in any form. **RESCINDED**. The petitioner has added pervious pavers to a portion of the surface parking lot. A reduction in height has also been provided.

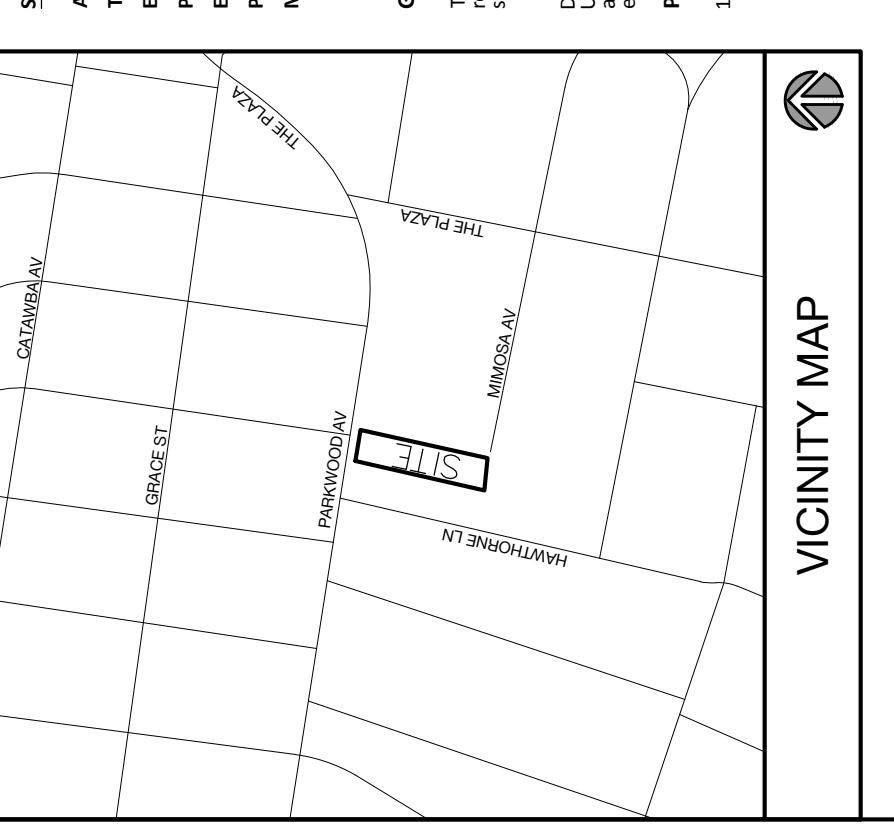
## **REQUESTED TECHNICAL REVISIONS**

### Site and Building Design

3. Coordinate with Charlotte Fire to resolve the required provision of an approved turnaround. **ADDRESSED**
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090



VICINITY MAP

**Site Development Data:**  
Acreage: 4/-1.09 AC  
Tax Parcel: 081-191-59  
Existing Zoning: R-2(D)O  
Proposed Zoning: R-2(CD)  
**Existing Uses:**  
Residential uses allowable within the UR-2 district  
Up to 25 Residential Units (approximately 25 DU/A)  
(25) Multi-family residential units  
**General Provisions:**  
These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Verde Homes LLC (the "Petitioner") to the City of Charlotte, North Carolina ("the City"), which is more fully set forth in the Rezoning Plan. The Site consists of a single tax parcel number 081-191-59.

**Development of the Site shall be governed by the Rezoning Plan, these Development Standards, and the applicable provisions of the City of Charlotte Zoning Ordinance, the "Ordinance".**

The Rezoning Plan contains within it more stringent standards than those contained within the Ordinance for the Zoning District, the "Site". The Site consists of a single tax parcel number 081-191-59.

**Proposed Zoning:**  
UR-2(CD)

**Existing Zoning:**  
UR-2(D)O

**Proposed Uses:**  
Residential uses allowable within the UR-2 district  
Up to 25 Residential Units (approximately 25 DU/A)

**Architectural Standards:**  
The petitioner shall provide architectural features which may include, but not limited to exterior wall offsets, projects, recessed windows, awnings, and/or architectural details.

**Building Elevation:**  
The petitioner shall design vertical bays or articulated architectural facade features which may include, but not limited to exterior wall offsets, projects, recessed windows, awnings, and/or architectural details in materials of colors.

**Building Base:**  
The building base shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Referenced base may be executed through use of preferred exterior building materials or articulated architectural facade features.

**Walkways:**  
Walkways will be provided to connect all ground floor residential entrances to public sidewalks located directly adjacent the Parkwood Avenue as generally depicted on the Site plan.

**Roof Top HVAC:**  
Roof top HVAC related mechanical equipment and meter boxes will be screened from public view from the nearest street.

**Placing of Flat roofs:**  
Flat roofs shall avoid continuous spans without variation by including changes in height and/or roof forms, to include but not limited to gables, hips, dormers or parapets.

**Streetcape and Landscaping:**  
1) The petitioner shall comply with Chapter 21 of the City of Charlotte Code of Ordinances.  
2) The site is located within a planning "wedge". Tree save shall be provided on site, as generally depicted on the site plan, per the City of Charlotte Tree Ordinance.

**Environmental Features:**  
1) The petitioner shall comply with the City of Charlotte Post Construction Ordinance.  
2) The petitioner shall make a good faith effort to improve the storm water conveyance to the nearest public right-of-way and shall make a good faith effort to improve the storm water quality of the existing storm water conveyance.

**Transportation Improvements:**  
All transportation improvements within the public right-of-way shall be approved and constructed prior to the Site's first building certificate of occupancy being issued.

**Deliveries:**  
Deliveries shall be made utilizing the "loading zone" parallel spaced on the Site plan.

**Signage:**  
1) The design and implementation of site signage shall comply per ordinance standards.  
2) The site shall comply with Chapter 21 of the City of Charlotte Post Construction Ordinance.

**Lighting:**  
1) All attached and detached lighting will be full cut-off fixtures and downward directed. However, upward facing architectural and landscape accent lighting shall be permitted.  
2) Detached pole lighting on the site, except street lights, located along public streets, will be limited to 15 in height.

**Architectural and Design Standards:**  
1) Addition to design options contained within the effect regulation of the Zoning Ordinance, the development of the site will be governed by the following provisions and standards produced by the Petitioner and Owner will be binding on the development of the Site.  
2) The petitioner shall design vertical bays or articulated architectural facade features which may include, but not limited to exterior wall offsets, projects, recessed windows, awnings, and/or architectural details in materials of colors.

**Building of Residential Units:**  
1) It is understood that the residential units on site will be developed within a twenty-two (22) multi-family building and a single three (3) unit triplex as generally depicted on the site plan.  
2) The proposed residential multi-family building shall be designed to provide architectural treatments and elements that present a front towards Parkwood Avenue. Architectural elevations fronting a public right-of-way shall provide architectural treatments that limit the maximum plan width to 10' on all building levels.

**Building of Single Family Attached Triplex Residential Units:**  
1) The structure shall be designed to provide architectural elements that reflect the design provisions noted below.  
ii) A single family attached triplex residence on the site shall be designed in a manner to maintain the existing single-family character of the surrounding neighborhood.  
iii) Two (2) residential units located within the proposed multi-family structure shall be restricted for a period of 15 years for sale to buyers earning at or below 80% of the Charlotte Area Median Income (AMI). Terms of this restrictive covenant shall be incorporated into the deed of sale for each affordable unit.  
iv) A single multi-family residential structure, as depicted on the Site plan, shall be located directly adjacent Parkwood Avenue.  
v) The structure shall be identified as affordable housing within the proposed multi-family structure.  
vi) A single three (3) unit triplex structure shall be allowable on site.  
vii) Allowable maximum height shall not exceed two and a half (2.5) stories and thirty-five (35') feet and is further described within the Zoning Ordinance.

**Transportation:**  
1) Vehicular access to the Site from the Parkwood Avenue public right-of-way will be as generally depicted on the Rezoning Plan.  
2) Vehicular and pedestrian access to the Site shall not be permitted from Mimosa Avenue.

**3) The placement and configuration of the vehicular access points shown on the Rezoning Plan is subject to minor modifications required to accommodate final site construction and development, and may require any adjustments required by the City or applicable planning standards.**

**4) Internal vehicular access to the Site shall be provided by a private drive as generally depicted on the Site Plan.**

**5) Public sidewalk improvements shall include 8' landscape strip and 8' sidewalk along Parkwood Avenue right-of-way as generally depicted on the Site plan.**

**6) The petitioner shall provide and coordinate with CDT to install an ADA compliant bus waiting pad and trash receptacle, following CLMIA-CAT3 Section 6010B as requested. The location of the waiting pad is generally depicted as illustrated on the Site plan.**

**7) The petitioner shall coordinate proposed Parkwood Avenue Street improvements with the City of Charlotte and the Charlotte Department of Transportation to ensure accurate placement of street signs, myoken signs, kiosk signs above in transition route in advance.**

**8) All transportation improvements within the public right-of-way shall be approved and constructed prior to the Site's first building certificate of occupancy being issued.**

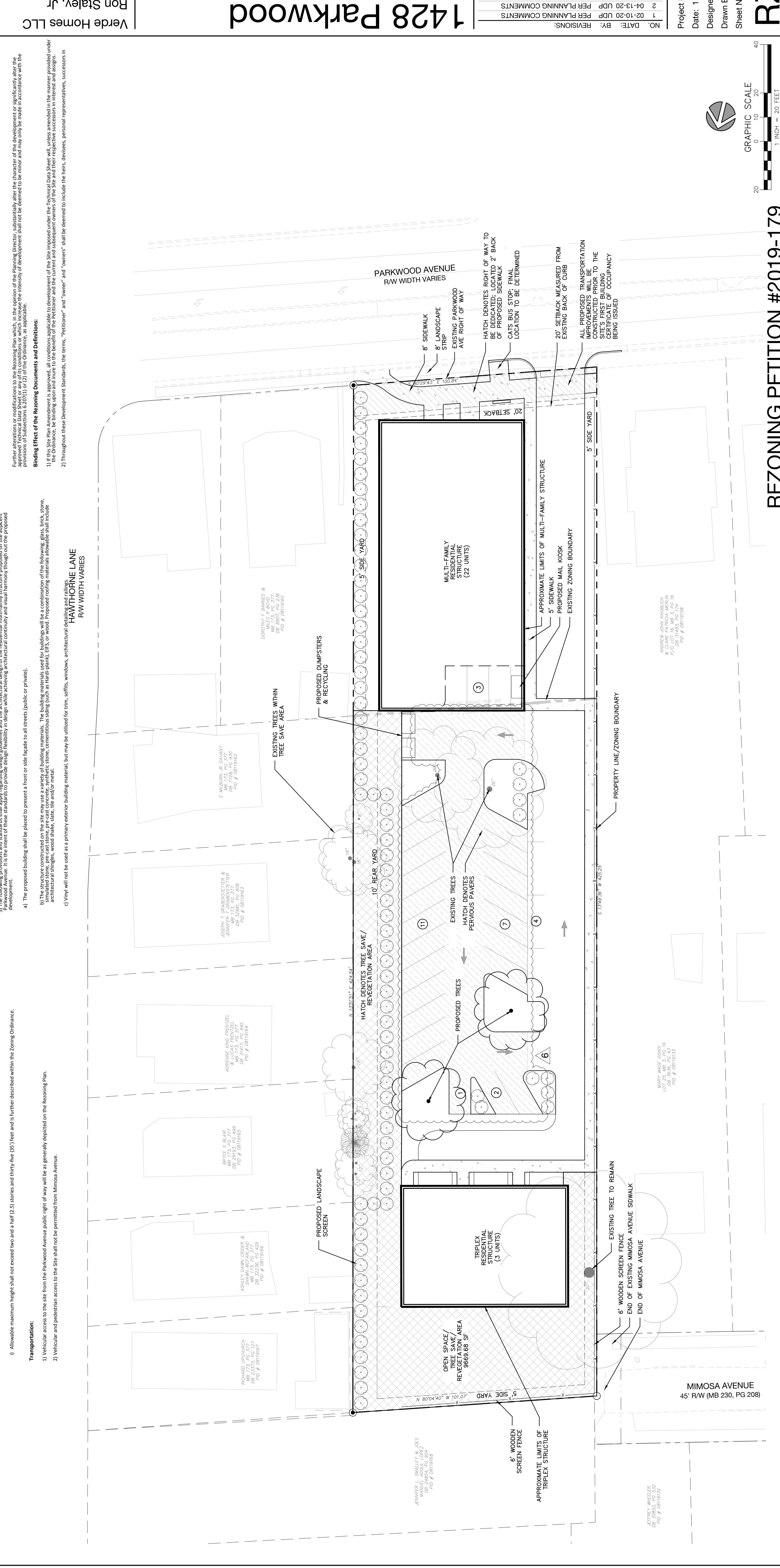
**9) The petitioner shall dedicate fee simple conveyance of all rights of way to the City of Charlotte prior to the Site's first building certificate of occupancy being issued.**

**10) All transportation improvements, as described within note 8 above, will be approved and constructed prior to the Site's first building certificate of occupancy being issued.**

**11) Deliveries on site shall be made utilizing the "loading zone" parallel spaced on the Site plan.**

**12) Approximately twenty-nine (29) surface parking spaces and three (3) garage spaces shall be provided on site as generally depicted on the Site plan.**

**13) Single family attached triplex residential units.**





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 4. **File #:** 15-15606 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-038 by Clover Group, Inc.**

**Location:** Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road. (Council District 3 - Watlington)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** R-12 MF (CD) (multi-family residential, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff does not recommend approval of this petition in its current form.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-038**

**March 2, 2021**

### **REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-12MF(CD) (multifamily residential, conditional)

### **LOCATION**

Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road.  
(Council District 3 - Watlington)

### **PETITIONER**

Clover Group, Inc.

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Steele Creek Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential up to four dwelling units per acre.

However, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- This petition helps create a diversity of housing stock by adding a multi-family option to an area that is single family.
- Traffic concerns are mitigated by two factors: 1) the age of the target demographic for the project (seniors) and 2) an anticipated signalization of the intersection of Erwin Road and NC Highway 160 included in another rezoning in the area.

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site.

Motion/Second: Welton / Blumenthal

Yea: Blumenthal, McMillan, Kelly, and Welton

Nay: Samuel, Nwasike, and Barbee

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

At the February 2<sup>nd</sup> meeting, one of the committee members asked whether the adjoining neighborhood would be supportive of the project if the density was reduced to lessen the traffic impact. Staff stated that they could not speak on behalf of the neighbors.

One of the committee members asked about how a nearby development received approval for R-15(CD) zoning. Staff stated that this development was single family and that R-15 is not a current zoning district in the Ordinance. The R-15 development was approved in 1985.

One of the committee members asked about what transportation improvements were addressed between the public hearing and the Zoning Committee meeting. Staff responded that it was a request to clean up the transportation notes to clarify the language of the commitments. Staff also mentioned that an agreement needed to be obtained to provide access through the adjoining parcel.

One of the committee members asked about the current level of housing diversity in the area and if it could be considered as a reason for Zoning Committee approval. Staff had not analyzed the market but recommended reaching out to the petitioner on market conditions for senior housing.

One of the committee members stated that she did not think it was fair to the petitioner that the NCDOT timeline of improvements to SR 160 would halt the development of this property. Another committee member thought that the level of traffic congestion was a detriment even if the result would provide needed housing for senior citizens.

Staff provided information on the timeline of NCDOT improvements which are currently on hold. Staff also noted that petition 2019-128 committed to provide a traffic signal at Steele Creek Road and Erwin Road.

At the March 2<sup>nd</sup> meeting, one of the committee members asked about the community feedback on the petition. Staff stated that the adjacent neighborhood was concerned with traffic impacts.

One of the committee members asked about the length of the transportation commitment to resurface Cedar Crossings Drive. Staff confirmed it was from the driveway north to Erwin.

One of the committee members stated that the proposed trip generation with the rezoning is not significantly higher than the entitlement.

There was no further discussion of this petition.

**MINORITY OPINION**

The committee members feel diversity of housing is needed in the area however the main concern is that higher density

development is not compatible with the timing of the proposed transportation improvements in the area.

**PLANNER**

Lisa Arnold (704) 336-5967



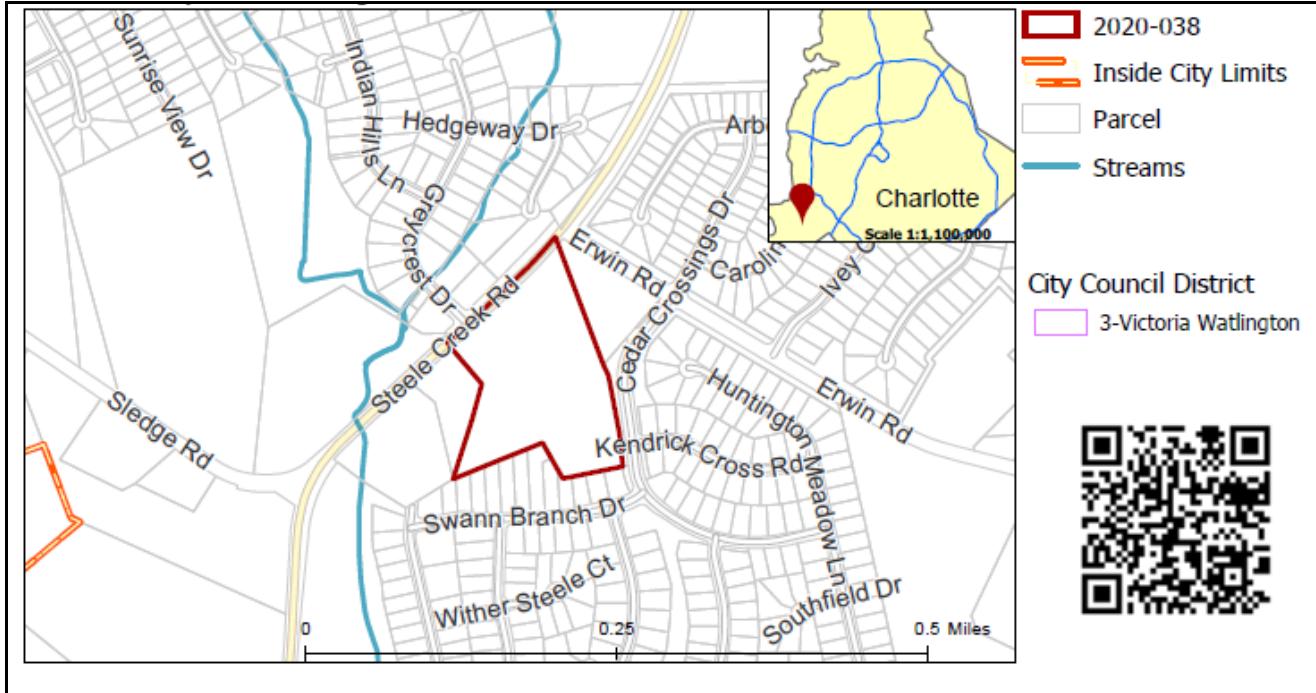
**Rezoning Petition 2020-038**  
**Final Staff Analysis**  
**April 19, 2021**

**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-12MF(CD) (multifamily residential, conditional)

**LOCATION**

Approximately 9.96 acres located on the east side of Steele Creek Road and south of Erwin Road.



**SUMMARY OF PETITION**

The petition proposes to rezone a property currently occupied by one single family home to R-12MF(CD) to allow the development of a 119 unit senior independent living community at a density of 11.95 dwelling units per acre.

**PROPERTY OWNER**

Wendy Bubb

**PETITIONER**

Michael L. Joseph

**AGENT/REPRESENTATIVE**

Chris Clifton

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 12

**STAFF RECOMMENDATION**

Staff does not recommend approval of this petition in its current form. Staff recommends a density reduction to four dwelling units per acre, as specified by the *Steele Creek Area Plan*.

Plan Consistency

The petition is **inconsistent** with the residential up to four dwelling units per acre land use recommendation for this site, as per the *Steele Creek Area Plan*.

Rationale for Recommendation

- The petition is inconsistent with the low-density residential land use recommended for this site and surrounding area.
- The continued increase in higher density development without the adequate public facilities and infrastructure of roads, schools and

parks to serve that new population, will have a detrimental impact on the quality of life of area residents.

- The Steele Creek Road (NC 160) road widening project has been put on hold by the NC Department of Transportation, pushing this critical transportation project further out into the future.
- Reducing the density to be more in line with the recommended 4 DUA in the plan would better facilitate the long term land use goals in the area.

The approval of this petition will revise the adopted future land use as specified by the *Steele Creek Area Plan*, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site.

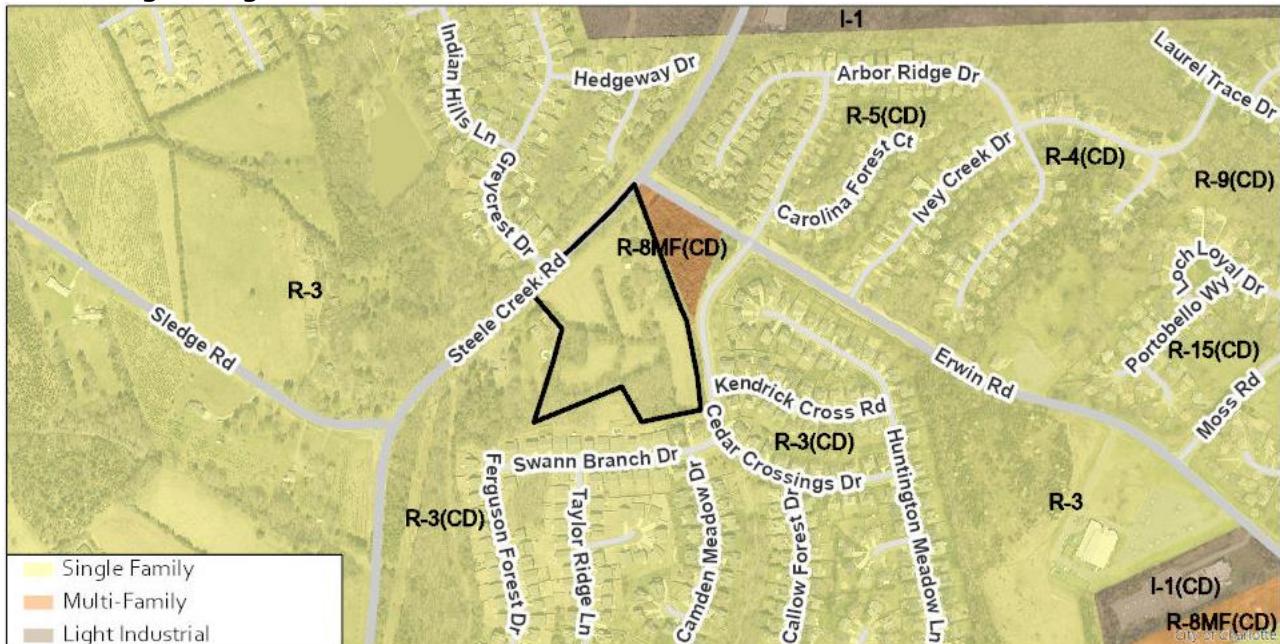
## PLANNING STAFF REVIEW

### • Proposed Request Details

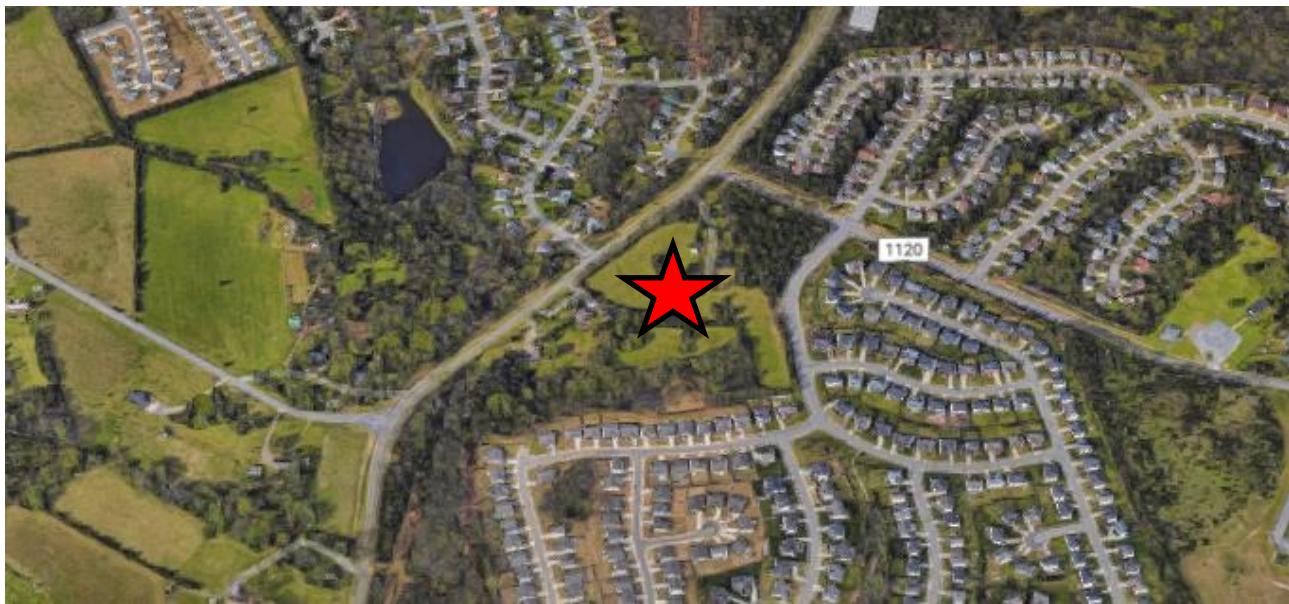
The site plan accompanying this petition contains the following provisions:

- Allows for the development of up to 119 independent living senior apartments at a density of 11.6 units per acre.
- Permits a maximum of one multifamily building and four garages.
- Commits to a minimum of 50% open space.
- Outlines a land swap with the owner of parcel 201431010 to accommodate a driveway connection to Cedar Crossings Drive.
- Agrees to a right of way dedication along Steele Creek Road to NCDOT for a future roadway widening project.
- Commits to implementing an 8' planting strip and 12' multi-use path along Steele Creek Road.
- Proposes a 50' Class C buffer adjacent to single family residential uses and zoning.
- States that all site lighting will be full cut off and downwardly directed.
- Commits to a range of architectural standards.

### • Existing Zoning and Land Use



The site, near the intersection of Steele Creek Road and Erwin Road, is currently occupied by one single family home. Surrounding land uses are primarily single family residential.



The site, denoted by a red star, is surrounded by single family residential uses and vacant land.



The properties to the north, across Steele Creek Road, are developed with single family homes.



There is a wooded, vacant lot the east of the property as well as single family homes.

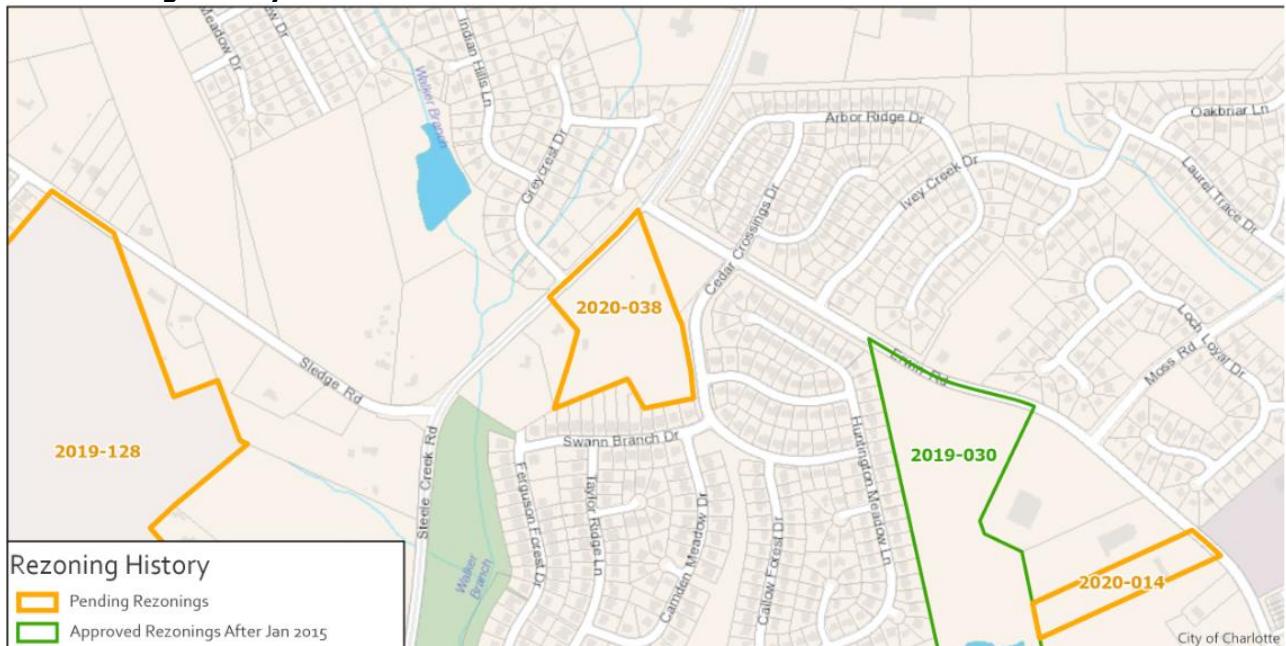


The properties to the south of the site are developed with single family homes.



The properties to the west are developed with single family homes on large parcels.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-014	Petition to rezone 3.9 acres to UR-2(CD) to allow up to 30 townhomes.	Pending
2019-128	Petition to rezone 271.6 acres to MX-3 and UR-2(CD) to allow a mixture of up to 550 single family attached and detached homes and 150 continuing care units.	Pending
2019-030	The petition rezoned 30.73 acres to R-12MF(CD) to allow up to 272 multifamily residential dwelling units.	Approved

- Public Plans and Policies**



- The *Steele Creek Area Plan* (adopted 2012) recommends residential uses at no more than 4 dwelling units per acre.

- TRANSPORTATION SUMMARY**

The site is located within the Cedar Ridge Subdivision, off of Steele Creek Road, with access off of Cedar Crossings Drive. The petitioner has agreed to install a 12-ft multi-use path along the site's frontage of Steele Creek Road in accordance with the City's BIKES plan. Additionally, the petitioner has agreed to construct left and right turn lanes on Steele Creek Road, to mitigate the additional traffic impacts as a result of this development. In all, with the pedestrian and vehicular improvements, the overall transportation network will improve in the area.

**A new site plan with access off of Cedar Crossings was provided on 08-17-2020, requiring a substantial review.** This site plan needs revision to address updated comments, outstanding comments, and new comments based off of the new site plan. These include labeling and dimensioning a right-turn lane. Please note that all CDOT reviews have included a comment to add a left-turn lane onto Erwin Rd to help ease congestion in the area, however, this is not a requirement for approval and has not been agreed to by the petitioner.

- Active Projects:**

- Steele Creek Rd. Widening (NC 160) – I-485 to South Carolina line
  - Project scope: Widen existing NC 160 to a 4-lane superstreet with multi-use paths (6 lanes in some areas)
  - ROW Year 2021 (project is currently on-hold)
  - Construction Year 2024 (project is currently on-hold)
  - PM: NCDOT
  - TIP #: U-5766

- Transportation Considerations**

~~See Outstanding Issues, Notes 1-3 Addressed~~

- Vehicle Trip Generation:**

Current Zoning:

- Existing Use: 9 trips per day (based on 1 single family dwelling).  
 Entitlement: 335 trips per day (based on 29 single family dwellings).  
 Proposed Zoning: 450 trips per day (based on 119 senior apartments).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No comments submitted.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See Outstanding Issues, Note-4. [Addressed](#)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

**OUTSTANDING ISSUES**Transportation

1. ~~The petitioner should revise the site plan and conditional note (Section Transportation.7.) to commit to a north eastbound 100' right turn lane into the from NC 160 into Erwin Drive. Please clearly label and dimension the right turn lane.~~  
~~Updated Comment from 09-14-2020 Site Plan: It appears this right turn lane is there, however, it is not labeled nor dimensioned.~~ [Addressed](#)
2. ~~The petitioner should revise the site plan and conditional note (Section Transportation.7.) to commit to construct a south westbound left turn lane with 150' of storage and appropriate left-turn lane tapers based on the speed limit from NC 160 into Erwin Drive.~~  
~~Updated Comment with 09-14-2020 Site Plan: This left turn lane has been requested during every previous review phase and in multiple resubmittal meetings. Both NCDOT and CDOT cannot require this left turn lane and, as a result, the petitioner has opted to not include this left turn lane in their site plan and scope of work. This note is not meant to deter approval of this petition, rather, this note serves to provide transparency of information from previous reviews and discussions between all parties.~~ [Addressed](#)
3. ~~Include language in the notes that validation of this easement will be provided to CDOT before final permitting.~~ [Addressed](#)
4. ~~Site is still not showing enough protected tree save. Tree save is required to be 15% of total area made up of existing trees. Replanted tree save is not an option for this site.~~ [Addressed](#)

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Lisa Arnold (704) 336-5967





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 5. **File #:** 15-15556 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-103 by Fielding Homes/DRB Group**

**Location:** Approximately 5.92 acres located along the east side Providence Road and along the north side of Alexander Road. (Council District 7-Driggs)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** UR-2 (CD) (urban residential, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

## **Zoning Committee Recommendation**

**Rezoning Petition 2020-103**

**March 30, 2021**

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**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 5.92 acres located along the east side Providence Road and along the north side of Alexander Road (Council District 7 - Driggs)

**PETITIONER**

Fielding Homes/DRB Group

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *South District Plan*. However, the *General Development Policies* support the requested density of less than or equal to 8 DUA, based on the information from the staff analysis and the public hearing and because:

- The plan recommends residential use at 3 units per acre; and
- The proposed density is 7.4 DUA.

However we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The *General Development Policies* would support residential use up to 12 DUA for the site. This petition proposes attached single family residential uses with a density limited to 7.4 DUA.
- The maximum building height is limited to 44 ft., with building setbacks increased to accommodate additional height, similar to single family zoning.
- The plan provides buffers adjacent to single family homes, setbacks along public streets and building separations from single family use/zoning larger than Ordinance minimums, and architectural design requirements that mitigate the project's impact on surrounding single family homes.
- The site is located on a major thoroughfare at the intersection with a minor thoroughfare and has access to transit services.
- The proposal limits vehicular access to Providence Road, preventing conflicting turning movements on Alexander Road.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from Single Family <=3 DUA to Residential <=8 DUA for the site.

Motion/Second: Blumenthal / Kelly  
Yea: Blumenthal, Kelly, Nwasike, Samuel, and Welton  
Nays: None  
Absent: Barbee, McMillan  
Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan however the residential density proposed is supported by the *General Development Policies*.

A commissioner asked if the petitioner and surrounding residents had come to an agreement. Staff noted that the community wanted a larger setback along Providence Road, a reduction in the building heights and number of units and increase to setbacks for buildings closest to single family. The petitioner provided a 45 ft setback along Providence Road, eliminated one unit for 44 proposed, building height remained at 44 ft and they increased the separations from single family from 40ft to 50ft nearest to unit #29 and 50 ft to 65 ft nearest to unit #22

There was no further discussion of this petition.

**PLANNER**

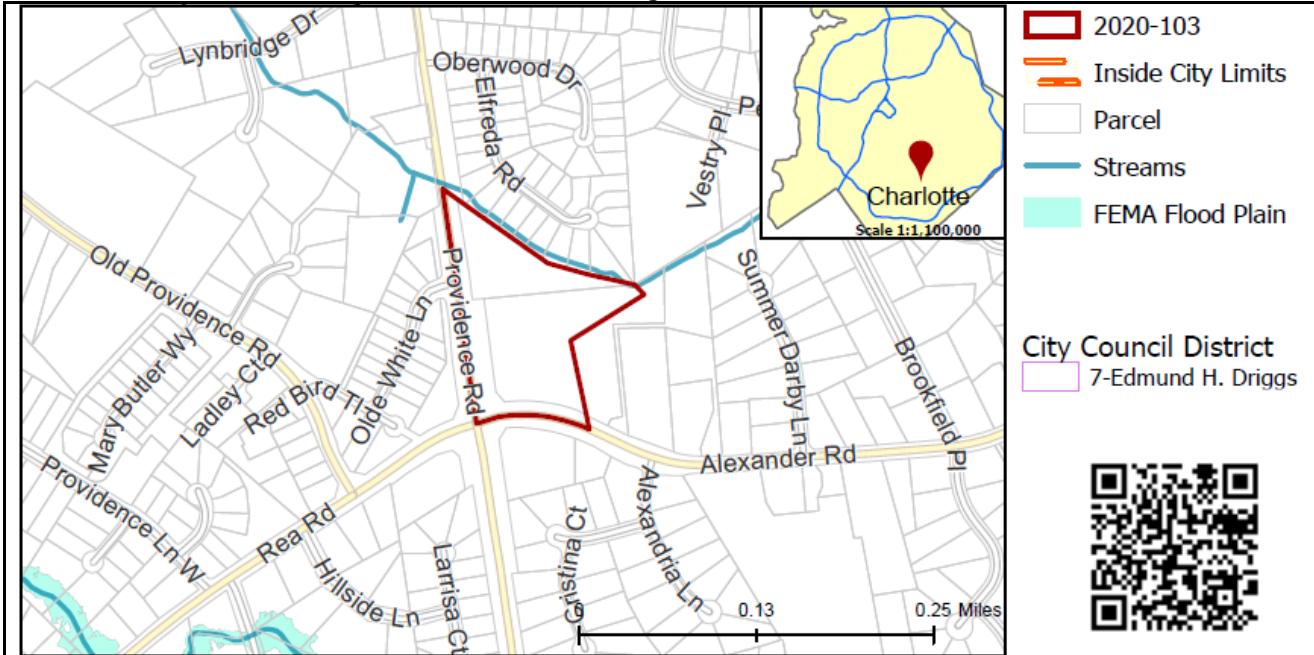
John Kinley (704) 336-8311

**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 5.92 acres located along the east side Providence Road and along the north side of Alexander Road.



**SUMMARY OF PETITION**

The petition proposes to redevelop the two single family homes on the site with a townhome community with up to 45 **7.4** units for a density of 7.6 **7.4** units per acre at the northeast corner of the intersection of Providence Road and Alexander Road.

**PROPERTY OWNER**

Lake City Tractor Supply LLC & Thomas Edward Kelly Jr  
Fielding Homes/DRB Group

**PETITIONER**

Keith MacVean & Dujuana Keys / Moore & Van Allen

**AGENT/REPRESENTATIVE**

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 45.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *South District Plan* land use recommendation for residential at 3 units per acre for this site. However, the *General Development Policies* support the requested density of less than or equal to 8 DUA.

Rationale for Recommendation

- The *General Development Policies* would support residential use up to 12 DUA for the site. This petition proposes attached single family residential uses with a density limited to 7.6 **7.4** DUA.
- The maximum building height is limited to 44 ft., with building setbacks increased to accommodate additional height, similar to single family zoning.

- The plan provides buffers adjacent to single family homes, setbacks along public streets and building separations from single family use/zoning larger than Ordinance minimums, and architectural design requirements that mitigate the project's impact on surrounding single family homes.
- The site is located on a major thoroughfare at the intersection with a minor thoroughfare and has access to transit services.
- The proposal limits vehicular access to Providence Road, preventing conflicting turning movements on Alexander Road.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from Single Family <=3 DUA to Residential <=8 DUA for the site.

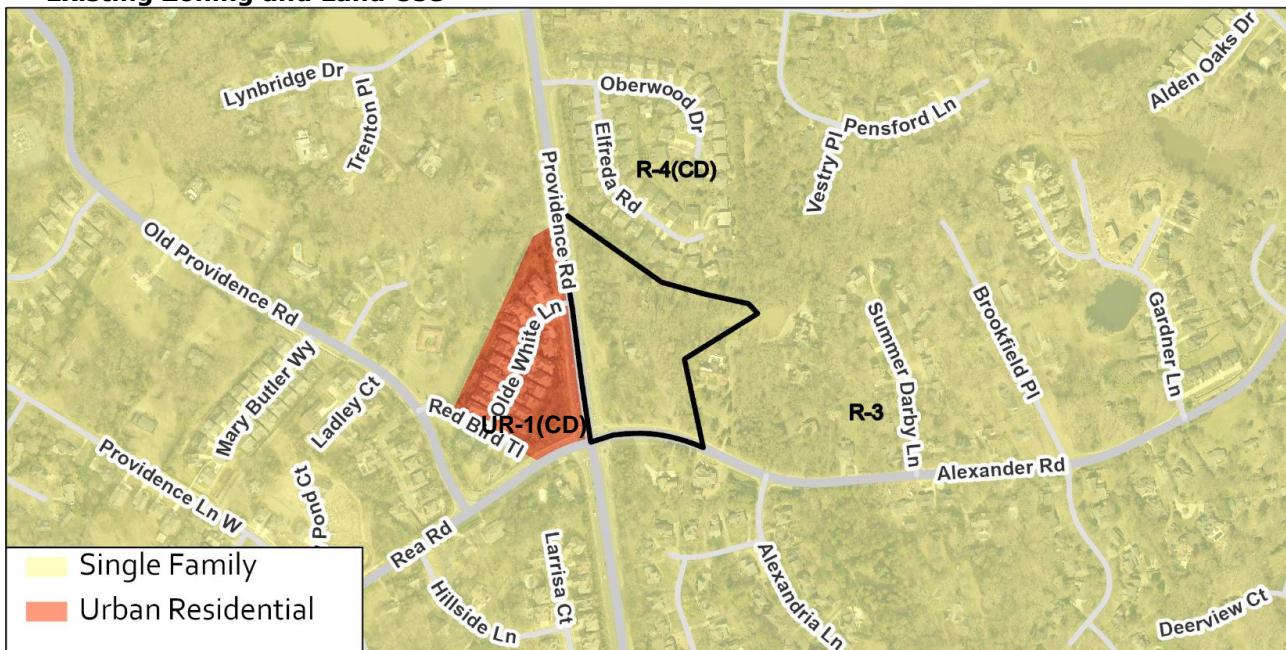
## PLANNING STAFF REVIEW

### • Proposed Request Details

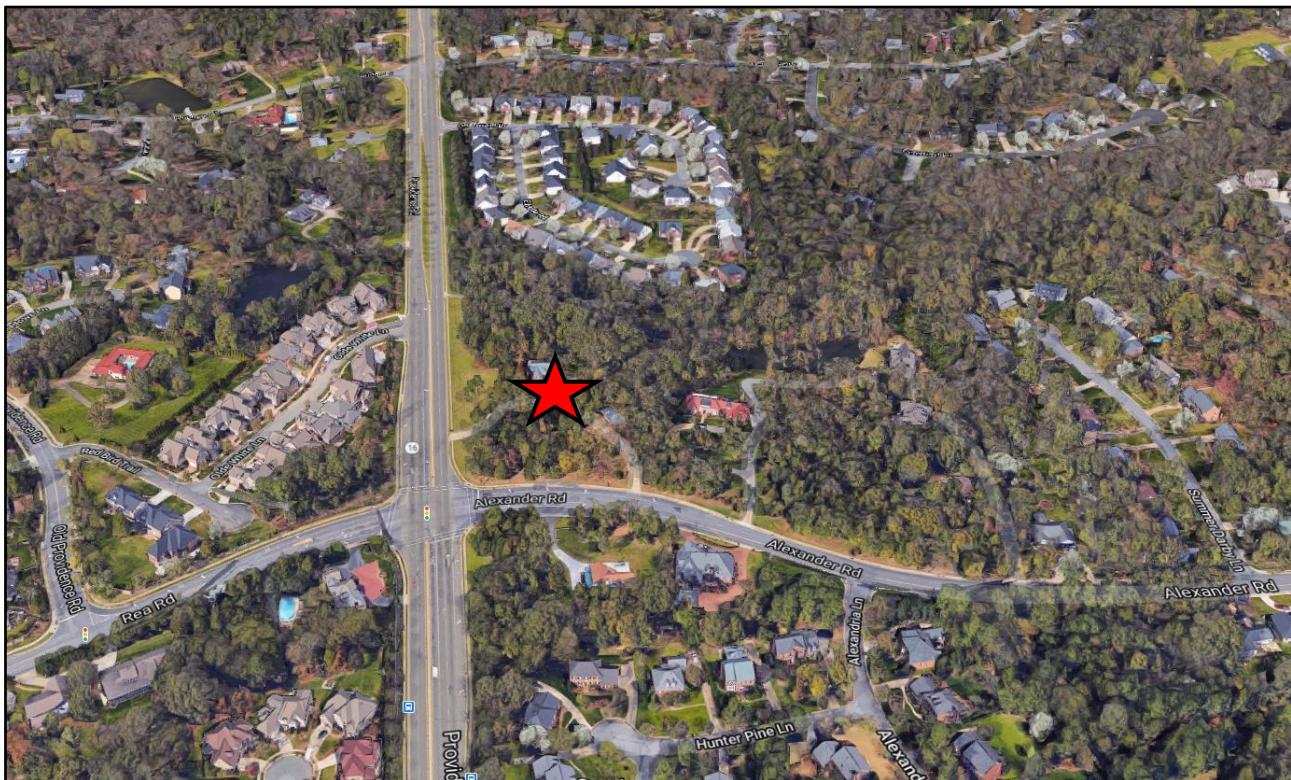
The site plan accompanying this petition contains the following provisions:

- Allows up to 45 **44** single family attached, townhome dwelling units, for a density of **7.6 7.4** dwelling units per acre.
- Limits the building height to 44 ft.
- Specifies vehicular access from Providence Road and commits to construction of a 8 ft. planting strip and 8 ft. sidewalk on Providence Road and a 8 ft. planting strip and 6 ft sidewalk on Alexander Road.
- Provides a minimum 40 **50** ft setback along the eastern property line to the nearest unit on the east side of the development (unit #29) and -50 **65** ft side and rear setback from the northern and eastern property line to the nearest unit on the northeast corner of the development (unit #22).
- Commits to a 25.5 ft Class C buffer along the northern and eastern property line with a fence in lieu of shrubs. If a fence is not provided the buffer width will be increased to 34 ft and shrubs will be planted.
- Specifies each unit will have a garage. **Indicates two areas within the development for visitor parking and provides "no parking" signage along the private street entering the development.**
- Provides a number of architectural standards related to sidewalk entrances, entries raised above grade of sidewalk, pitched roofs, usable porches and stoops, blank walls, visible garage doors and allowed building materials.
- Shows proposed common open space areas and internal sidewalk network on the site plan.

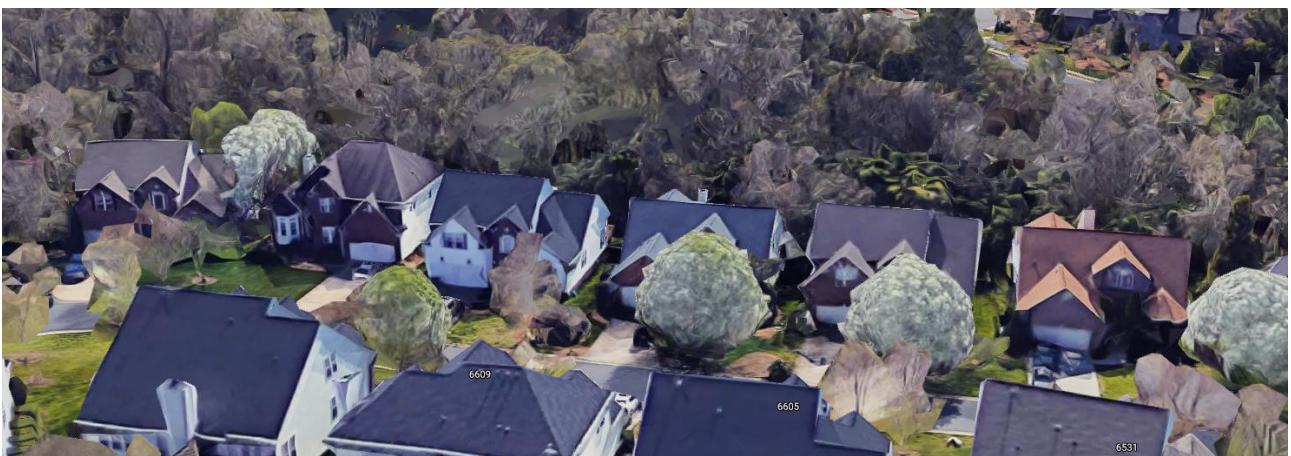
### • Existing Zoning and Land Use



The area is primarily developed with single family residential uses in R-3 and UR-1 zoning. Further north and south of the site along Providence Road are institutional and multi-family uses and zoning.



The site, indicated by red star above, and shown in streetview below is developed with two single family homes.



North of the site, along Elfreda Road are single family homes.



East of the site are single family homes and a pond with driveway access to Alexander Road.

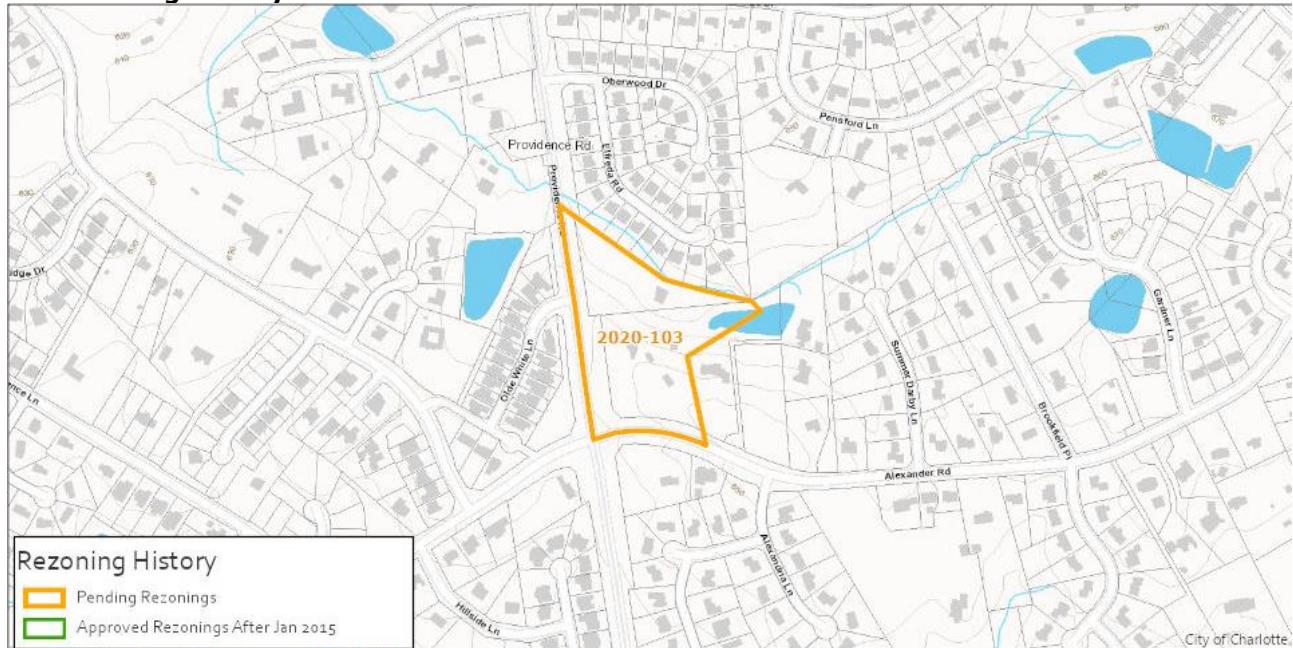


South of the site are single family homes fronting Alexander Road.



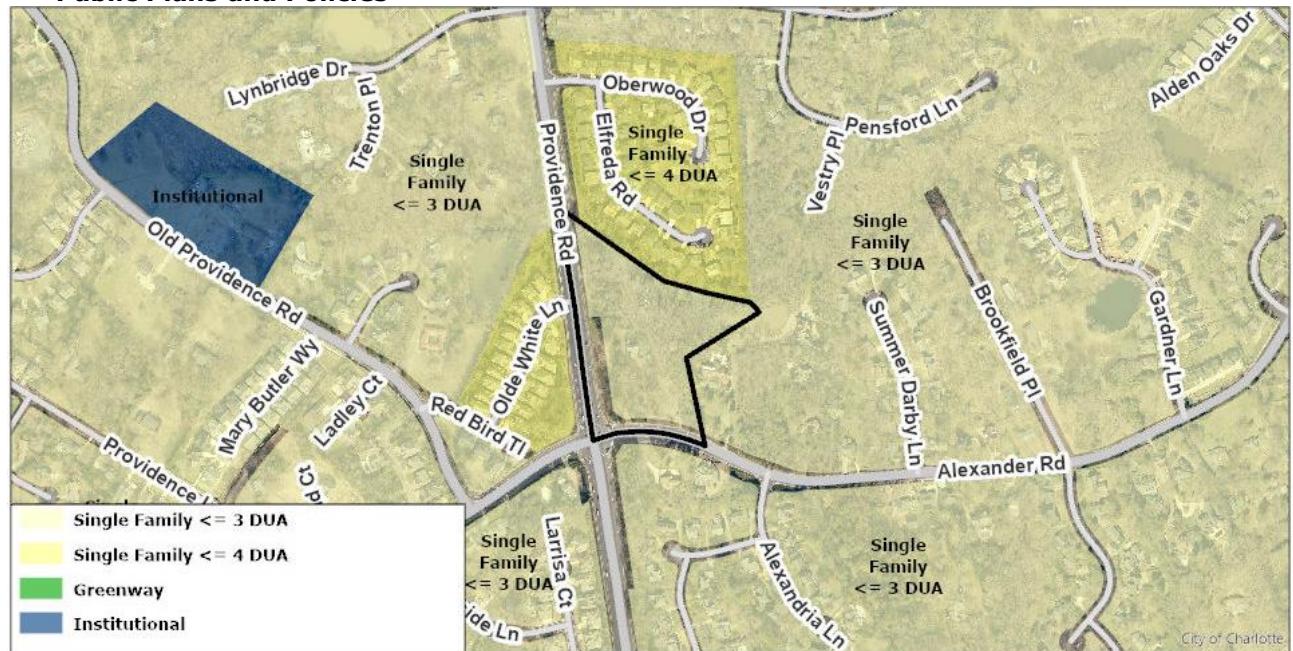
West of the site, across Providence Road are single family homes

- **Rezoning History in Area**



No recent rezoning history in area. The most recent rezoning, 2018-142, is located north of the site (just off the map) for 20.5 acres to INST(CD) and R-8MF(CD) to allow 200 active adult retirement community units and 41 townhomes age restricted to those 55 and older.

- **Public Plans and Policies**



- The *South District Plan* (1993) recommends single family development at 3 units per acre.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for the density requested as illustrated in the table below. The petitioner is requesting ~~7.6~~ **7.4** units per acre.

<b>Assessment Criteria</b>	<b>Density Category – up to 8 duu</b>
Meeting with Staff	1
Sewer and Water Availability	1
Land Use Accessibility	4
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 11</b>	<b>Total Points: 12</b>

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Providence Road, a Major Thoroughfare Road (State-maintained) and Alexander Road, a Minor Thoroughfare Road (City-maintained). CDOT and NCDOT's evaluation of this petition prioritizes safe site access to minimize conflicts between bicyclists, pedestrians and motorized vehicles. Additionally, CDOT referred to City Council-adopted plans, policies, the City's Driveway Manual and Sight Distance Policy, and the development standards for UR-2 Rezoning District in Sec. 9.407(4)(c) of the City Code of Ordinances to evaluate this petition.

In determining the curb-line for this site, CDOT received a deed survey that showed an existing public right-of-way 64.9 feet from the existing median. The UR-2 conditional rezoning petitions (approved between 2018-2019) along Providence Road have public right-of way established at 50' from the existing centerline. Upon consultation of NCDOT, the existing curb-line at approximately 29 feet from the median and the existing right-of-way of 64.9 feet will remain in its current location. The petitioner will coordinate with NCDOT for future right-of-way dedication for Providence Road widening as specified in a future study. The petitioner will construct an 8-foot planting strip and an 8-foot Multi-Use Path (MUP). The MUP will allow for bicyclists and pedestrians to travel separately from vehicles.

The single site access for the proposed project will be from Providence Road, which will be limited to a right-in/right-out movement. CDOT and NCDOT agreed that access on Alexander Road was not appropriate as traffic turning left into the site would have limited sight distance and the queue for entering traffic may affect the intersection of Providence and Alexander. As determined by NCDOT, the petitioner will provide a 100' driveway stem at the access on Providence Road to allow for stacking and safe ingress to the site. The petitioner will install 'No Parking – Towing Enforced" sign in the driveway stem.

Since August 2020, CDOT has participated in multiple community meetings with the Planning Department to provide updates on traffic analysis. On October 15, 2020, a Transportation Technical Memorandum (TTM) was submitted by the petitioner to CDOT and NCDOT for review. The TTM included the review of bicycle and pedestrian accommodations, ingress/egress, and U-turn movements. As the site plan reduces the number of units, the safety mitigation measures included in the TTM still apply.

After the City Council Rezoning Meeting in March 2021, the petitioner submitted an updated site plan with a proposed number of residential units at 44 units. The trip generation is now 295 daily vehicle trips, with 21 AM peak vehicle trips and 28 PM peak vehicle trips. The site will now generate 17 vehicles entering the site during the PM peak hour. It is assumed no more than 10 of those will be making the southbound U-turn movement on Providence Road. The townhomes are now setback from the back of curb at 45 feet. On-site parking has been provided and a note has been added to the site plan that states on-site parking will be monitored and enforced by the HOA.

As of the date of this memo, the intersection of Providence Road and Alexander Road is not on the high-injury network (which includes all pedestrian, bicycle, serious injury, and fatal crashes) or high congestion list. The crash summary report for the Providence/Alexander Rd, intersection shows that from February 2016 to November 2020, there was 58 total crashes. During that four-year period, the crash numbers are considered minimal for Providence Road. With 10 vehicles distributed throughout the peak rush hour period, this rezoning is anticipated to have minor impact on the operations and safety of the intersection.

- **Active Projects:**
  - No active projects near the site.
- **Transportation Considerations**
  - See ~~Outstanding Issues, Note 4.~~ Addressed.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on 2 single family homes).  
Entitlement: 205 trips per day (based on 17 single family homes).  
Proposed Zoning: 300 ~~295~~ trips per day (based on 45 ~~44~~ townhomes).

#### **DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 9 students, while the development allowed under the proposed zoning may produce 15 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 6 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Lansdowne Elementary at 106%
    - McClintock Middle at 130%
    - East Mecklenburg High at 101%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Providence Road and a 12-inch water main along Alexander Road.
- Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Providence Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

##### Site and Building Design

1. ~~Provide a note committing to and show on the site plan visitor parking internal to the site outside of the proposed private street entry driveway.~~ Addressed
2. ~~Correct the conflict between note 2.c. and 6.c.~~ Addressed, previous 6.c was removed and 2.c. was amended to say, "A portion of the Site, approximately .50 acres as generally depicted on the Rezoning Plan, located on the eastern boundary of the Site and containing a portion of an existing pond will be dedicated conveyed to the adjoining property owner. If for some reason the Petitioner is not able to dedicate/convey this area to the adjoining property owner, the area will be used as common open space and/or tree save area for the development, but will not be improved with amenities for the residents of the development. The portion of the existing pond located in this area may be preserved or may be removed under either scenario described above."
3. ~~Amend note 4.a. to provide the setback measured from the existing back of curb. Staff requests the setback be 50 ft from the existing back of curb along Providence Road.~~ Addressed, the petitioner amended the setback to be 45 feet measured from the existing back of curb. While less

than 5 feet less than staff requested, the petitioner amended note 4.a. related to encroachments of porches and stoops to say the only encroachments would be those allowed by Ordinance.

Transportation

4. While a feasibility study had been initiated for Providence Road/NC 16 under FS 1810D, the study has been suspended due to funding challenges. Add a site plan conditional note that states "The Petitioner will coordinate with NCDOT for future right of way dedication or reservation for Providence Road widening as determined under the future feasibility study if the feasibility study is completed before Petitioner has obtained permits". **Addressed**

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

5. Amend note 4 a. to reduce the allowed encroachment for porches and stoops from 6 ft to 4 ft. Addressed, the petitioner changed the language to state that only the encroachments allowed by Ordinance will be permitted.
  6. Amend note 5 a. and b. to change "into ~~the~~ setback" to "into ~~this~~ setback." **Addressed**.
  7. Amend note 5 c. to correct the typo "planning" strip to "planting" strip. **Addressed**
  8. Remove note 5 o. The Ordinance already addresses specific items that are allowed to encroach into setbacks, and some items listed are not allowed to encroach. **Addressed**
  9. Change the label for the fire truck turn around to "Fire Truck and Waste Collection Vehicle Turn Around." **Addressed**
  10. Show/dimension on the site plan from what boundary the setbacks noted for units 22 and 29 are measured. **Addressed**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** John Kinley (704) 336-8311





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 6. **File #:** 15-15557 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-118 by TWG Development**

***Update: Petitioner has withdrawn this petition***

**Location:** Approximately 9.042 acres located off District Drive between W.T. Harris Boulevard and Shorthorn Street in the University City neighborhood. (Council District 4 - Johnson)

**Current Zoning:** O-1 (CD) (office, conditional)

**Proposed Zoning:** R-12 MF (CD) (multi-family residential, conditional)



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 7. **File #:** 15-15558 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-134 by Impact, LLC**

**Location:** Approximately 26.59 acres located in the southeastern corner of the intersection of Rhyne Road and Mount Holly Road. (ETJ)

**Current Zoning:** CC, LWPA (commercial center, Lake Wylie Protected Area)

**Proposed Zoning:** CC SPA, LWPA (commercial center site plan amendment, Lake Wylie Protected Area)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-134**

**March 2, 2021**

### **REQUEST**

Current Zoning: CC, LWPA (commercial center, Lake Wylie Protected Area)

Proposed Zoning: CC SPA, LWPA (commercial center site plan amendment, Lake Wylie Protected Area)

### **LOCATION**

Approximately 26.59 acres located in the southeastern corner of the intersection of Rhyne Road and Mount Holly Road.  
(Outside City Limits)

### **PETITIONER**

Impact, LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Catawba Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential, office, and/or retail for the site.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The proposed use is consistent with the mixed-use recommendation for the site of residential/office and/or retail.
- The site is located at the interchange of Mount Holly Road and Interstate 485, where other mixed-use developments have been approved.
- The proposed multi-family development is not adjacent to any existing or proposed single-family uses, but retail uses only, and across from light industrial.
- Multi-family development at this location would provide a mix of housing types in the general vicinity.
- The site is in close proximity to a pair of bus stops for CATS Route 18.

Motion/Second: Barbee / Welton

Yea's: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nay's: None

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

A committee member inquired about the roadway improvements committed to in this site plan amendment proposal in comparison to those outlined in the previous rezoning. CDOT staff replied that there were fewer daily vehicle trips with the proposed site plan amendment than in the 2008 rezoning and that the transportation commitments are proportional to the daily vehicle trips proposed. In addition to a \$200,000 contribution towards improvements at the intersection of Mount Holly Road and Rhyne Road, the petitioner has committed to install a left and right turn lane and multi-use path along Rhyne Road. There was also some discussion concerning the lack of retail in this petition. Staff explained that retail would still be possible on the remaining 40 acres encompassed in the 2008 rezoning.

**PLANNER**

Joe Mangum (704) 353-1908

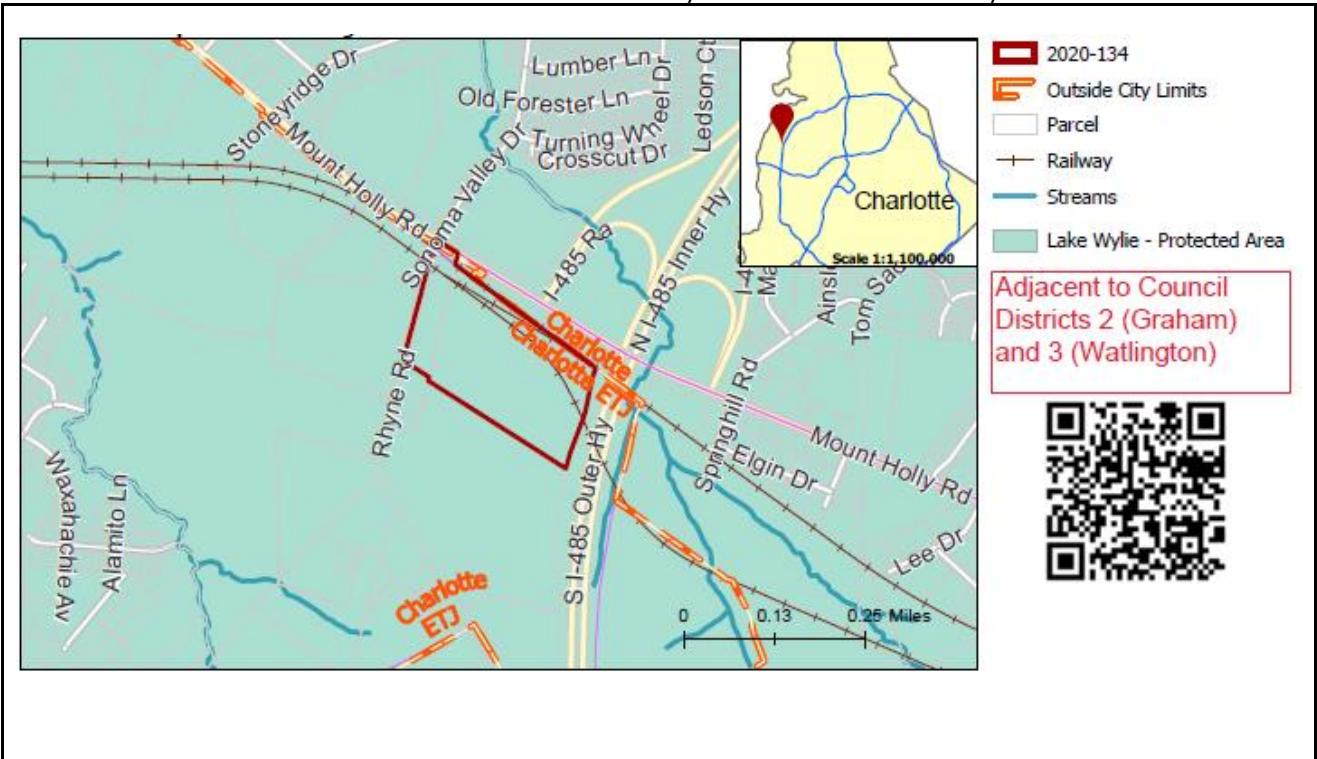
**REQUEST**

Current Zoning: CC, LWPA (commercial center, Lake Wylie Protected Area)

Proposed Zoning: CC SPA, LWPA (commercial center site plan amendment, Lake Wylie Protected Area)

**LOCATION**

Approximately 26.59 acres located in the southeastern corner of the intersection of Rhyne Road and Mount Holly Road.



**SUMMARY OF PETITION**

The petition proposes to amend petition 2008-125 to allow the development of up to 336 apartments on vacant land.

**PROPERTY OWNER**

Mt Holly Developers LLC

**PETITIONER**

Impact, LLC

**AGENT/REPRESENTATIVE**

Paul Pennell

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 9

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the residential/office and/or retail land use recommendation for this site, as per the *Catawba Area Plan* (2010).

Rationale for Recommendation

- The proposed use is consistent with the mixed-use recommendation for the site of residential/office and/or retail.
- The site is located at the interchange of Mount Holly Road and Interstate 485, where other mixed-use developments have been approved.

- The proposed multi-family development is not adjacent to any existing or proposed single-family uses, but retail uses only, and across from light industrial.
- Multi-family development at this location would provide a mix of housing types in the general vicinity.
- The site is in close proximity to a pair of bus stops for CATS Route 18.

## PLANNING STAFF REVIEW

### • Background

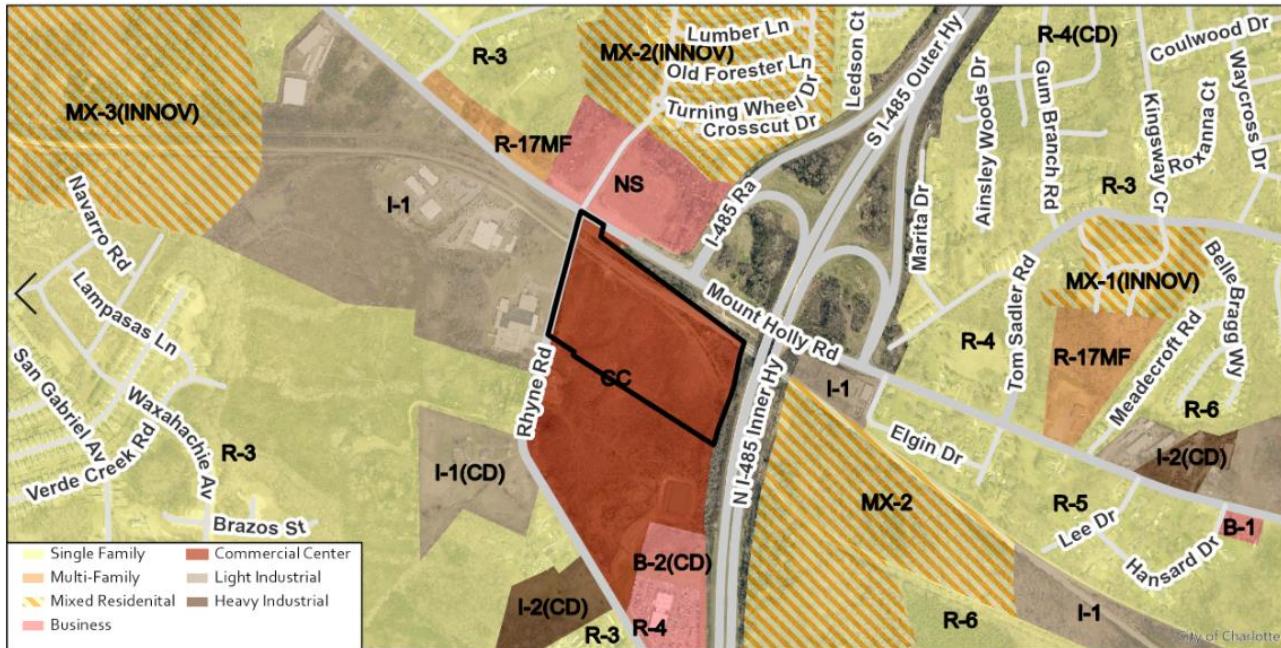
- The first site plan submitted included 21,000 square feet of commercial/retail uses, 5,000 square feet of office uses, and 288 multi-family residential units. The plan has since evolved to remove the commercial/retail and office uses to proposing only multi-family residential uses.

### • Proposed Request Details

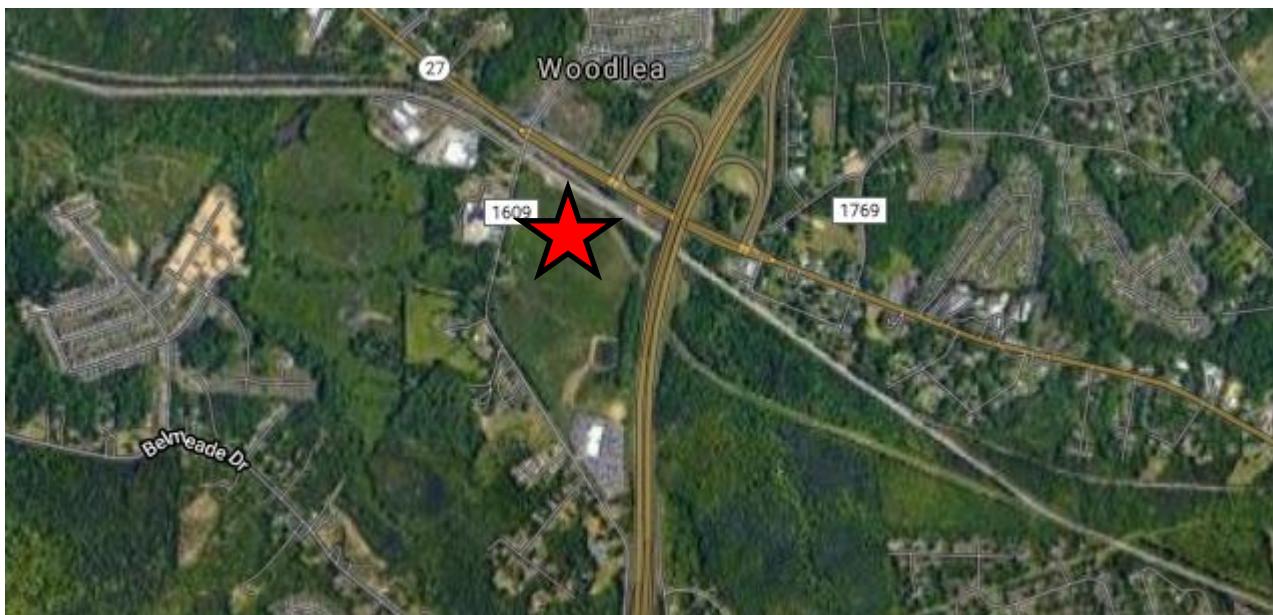
The site plan accompanying this petition contains the following provisions:

- Proposes up to 336 multi-family residential units at a floor area ratio of 0.4.
- Limits the base maximum average height of each residential structure to 45' and three stories.
- Commits to design standards that enhance the pedestrian environment and public realm.
- Proposes innovative design standards including a 16' setback from back of curb, 5' side yard, 25' rear yard, and minimum building separation of 10'.
- Commits to open space preservation and amenities for residents.
- Proposes a modification of the design of the public street bisecting the property to allow the 8' sidewalk to be located at back of curb.
- Commits to a \$150,000 contribution towards the construction of improvements at the intersection of Mount Holly Road, Rhyne Road, and Sonoma Valley Drive.
- Commits to constructing a three lane cross-section along Rhyne Road adjacent to the parcel's frontage along with a 8' planting strip and 12' multi-use path.

### • Existing Zoning and Land Use



As part of a larger 70.91 acre assemblage, the site was rezoned via petition 2008-125 to CC, with retail and restaurant uses planned for the subject portion of the site. The site has since remained vacant. Only an 8.56 acre portion of the larger 2008-125 rezoning has been developed, with a car dealership being constructed following a 2013 administrative amendment.



The site is surrounded by a mix of uses including industrial, single family residential, a railroad, and Interstate 485.



The properties north of the site are occupied by railroad right-of-way and Mount Holly Road.



The property to the east of the site is occupied by Interstate 485.

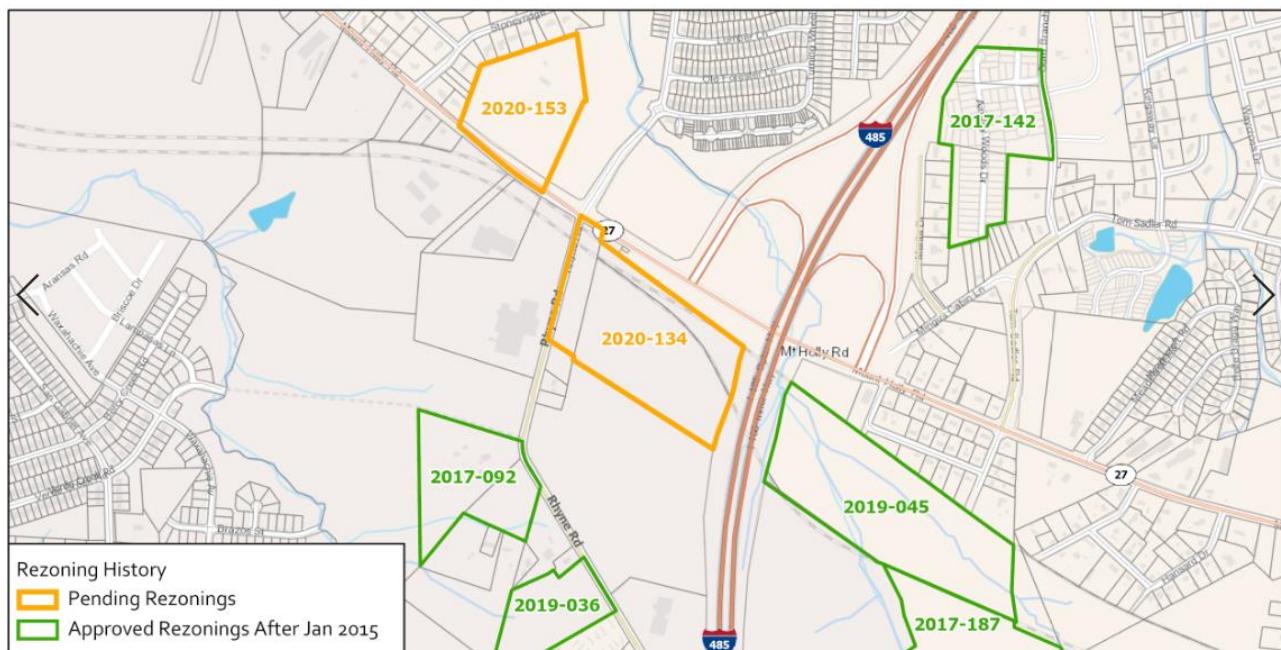


The property to the south of the site is vacant land.



The property to the west of the site is developed with light industrial uses.

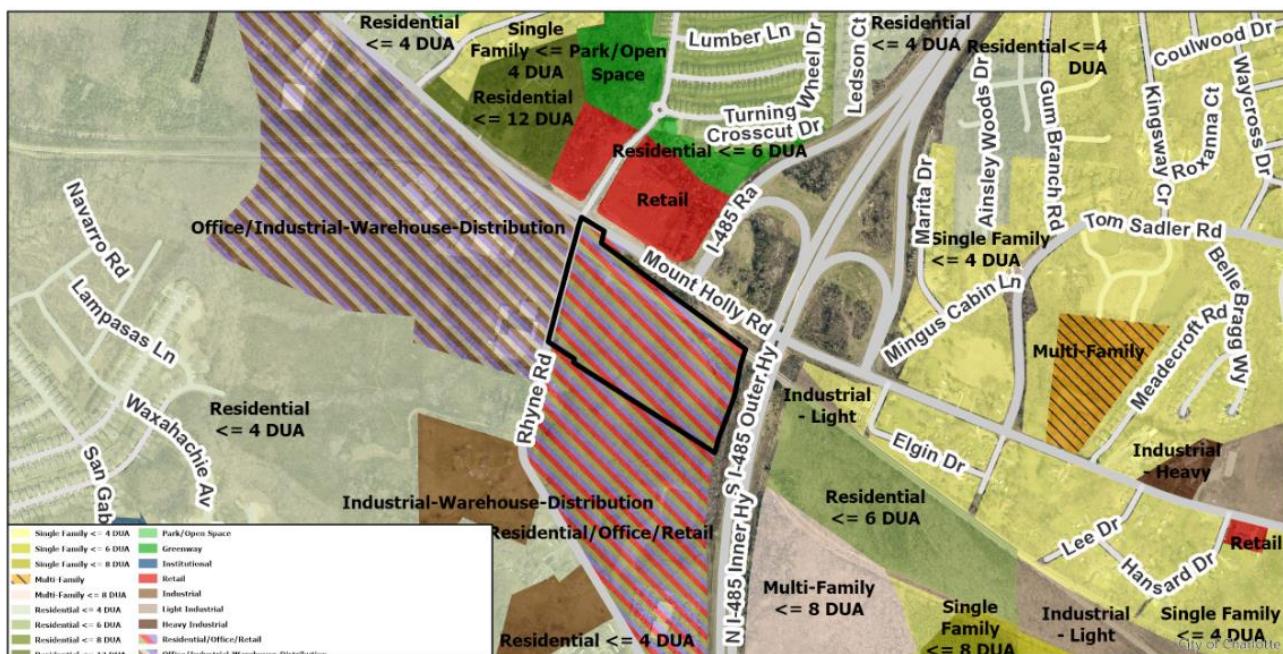
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-153	Petition to rezone 13.04 acres to R-17MF(CD) to permit the development of up to 221 apartments.	Pending

2019-045	Site Plan Amendment to modify a previously approved site plan to allow the development of up to 152 single family attached units on 29.08 acres.	Approved
2019-036	Petition to rezone 8.7 acres to I-2(CD) to allow the development of an industrial park containing up to 40,000 square feet of indoor building space.	Approved
2017-187	Petition to rezone 79.3 acres to R-6 to allow the development of single family homes.	Approved
2017-142	Petition to rezone 17.77 acres to R-4 to allow the development of single family homes.	Approved
2017-092	Petition to rezone 14 acres to I-1(CD) to allow up to 70,000 square feet of uses allowed in the I-1 district.	Approved

- Public Plans and Policies**



- The *Catawba Area Plan* (adopted 2010) recommends residential/office and/or retail land uses for this site. The plan also recommended limiting land uses and intensities to that approved by the adopted site plan.

- TRANSPORTATION SUMMARY**

- The site is located at the corner of Rhyne Road and Mt. Holly Road, two State-maintained minor and major thoroughfares, with two CSX Rail Lines extending through the northern portion of the site. In accordance with the City's Ordinances and WALKS and BIKES Policies this site will provide an internal pedestrian network that that will connect to a 12-foot shared use path along Rhyne Road. Additionally, this site will widen Rhyne Road to three lanes, providing a center-turn lane for site access. In December of 2020, a major site plan revision lowered the trip generation under CDOT's TIS trip generation threshold; however, in accordance with the City's Vision Zero plan, CDOT is continuing to coordinate with NCDOT and the petitioner to provide additional transportation improvements, which may include a financial contribution to NCDOT's intersection improvement project at the Mount Holly Road & Rhyne Road/Sonoma Valley Drive Intersection.

- Active Projects:**

- Villages at Creedmore - SDRMF-2020-00049
  - Development of 138 Townhome Units. This project is in permitting and plans could be approved by the end of the year.

- Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 4,980 trips per day (based on 75,800 sf of retail).

Proposed Zoning: 1,830 trips per day (based on 336 apartments).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 111 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 111.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Whitewater Academy from 121% to 128%
    - Whitewater Middle from 96% to 99%
    - West Mecklenburg High from 86% to 87%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

**OUTSTANDING ISSUES**

Transportation

1. Given the site is located near a high injury network and will contribute to an existing issue at the Mount Holly and Rhyne Road/Sonoma Valley intersection, CDOT will continue to coordinate with the petitioner to ensure the project contributes toward the goals in the City's Vision Zero plan. **ADDRESSED**

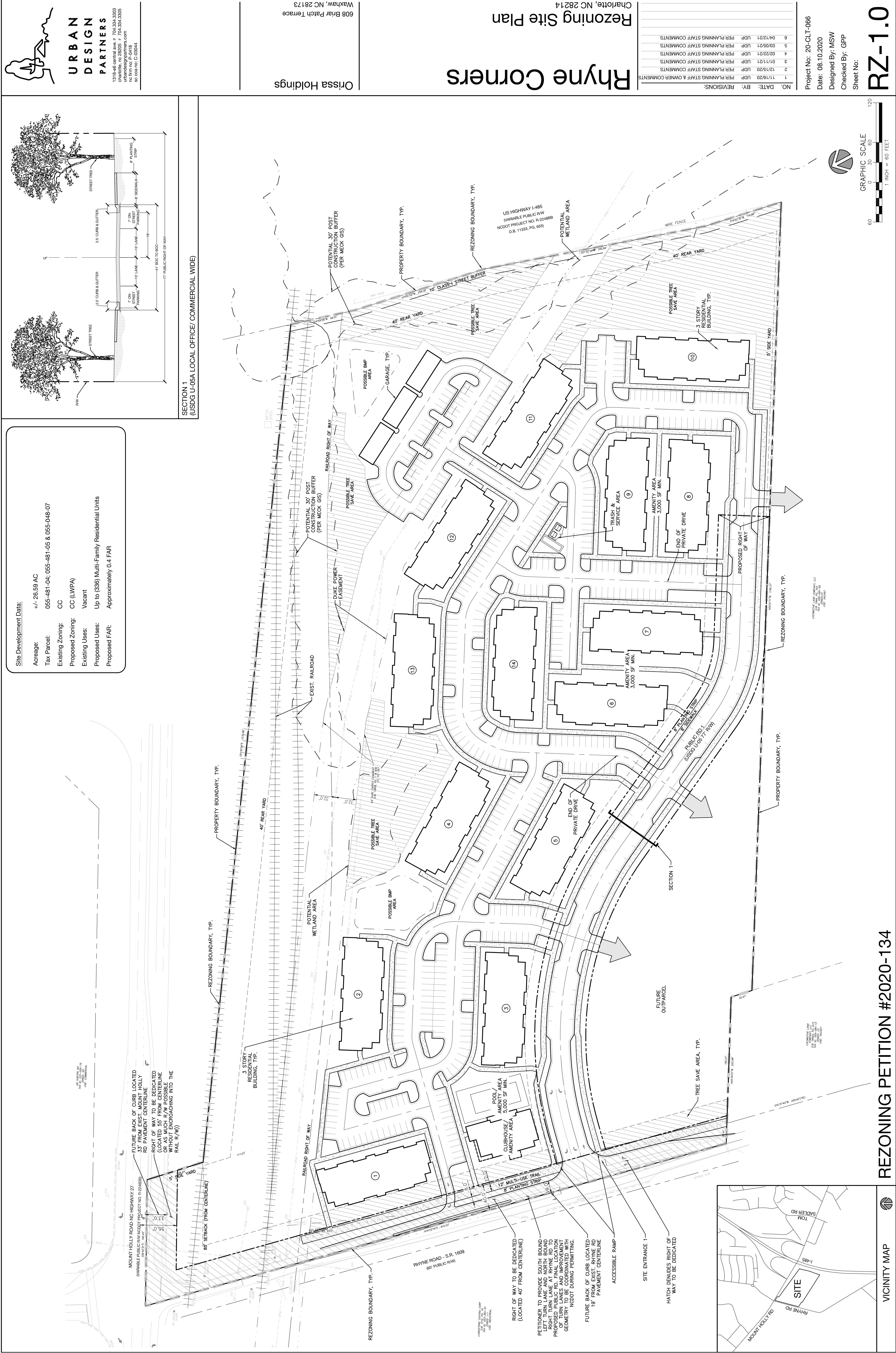
**REQUESTED TECHNICAL REVISIONS**

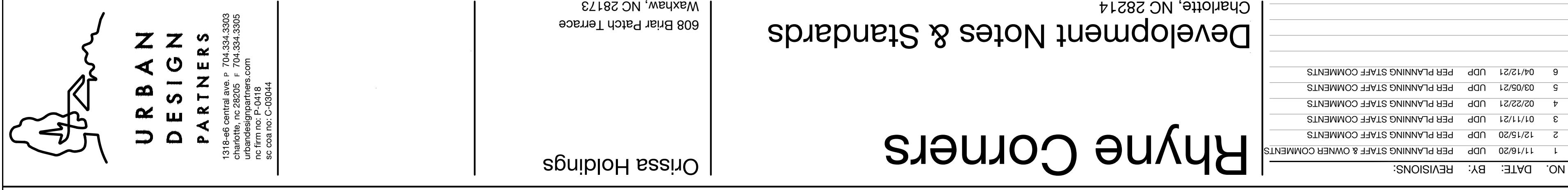
Site and Building Design

1. Revise building locations to be in compliance with setbacks as stated in Section 9.303(19)(e). **ADDRESSED**
2. Revise building orientation to limit the number of side facing buildings as they relate to the Public Road 1. **ADDRESSED**
3. Revise Architectural and Design Standards note 4.b to replace the word "or" with "and" and "may" with "shall" as specified in the site plan comments. **ADDRESSED**
4. Revise the rear yard from 25' to 40' as specified in site plan comments. **ADDRESSED**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704-353-1908)





Site Development Data:	Acreage: +/-26.59 AC Tax Parcel: 055-481-04; 055-481-05 & 055-484-07 Existing Zoning: CC Proposed Zoning: CC (LVPA) Existing Uses: Vacant	Proposed FAR: Approximately 0.4 FAR	Proposed Uses: Up to 350 Multi-Family Residential Units
General Provisions:			
1. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Impact, LLC (the "Petitioner") to rezone the Commercial Center Zoning District South from R-1 to C-3. The Site is located on the property depicted on the Rezoning Plan (the "Site"). The Site is 1318.46 acres in size. 2. Development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). 3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the arrangement of uses and improvements on the Site. Accordingly, the final layout, location and sizes of the development and site elements depicted on the Rezoning Plan are schematic in nature and are intended to depict the general layout of the proposed development and site elements, and they may be modified in accordance with the Rezoning Plan and the Development Standards, provided, however, that any such alterations and modifications shall be minor in nature and not materially change the overall design intent depicted on the Rezoning Plan. 4. Future amendments to the Rezoning Plan and/or these Development Standards may be applied to the Site subject to the Section 6.207 of the Ordinance. 5. The Site shall be developed as a planned and developed area as to the plazas and pedestrian areas and other site elements depicted on the Rezoning Plan. The Site will be developed in accordance with the applicable zoning standards and the applicable Development Standards, provided, however, that any such improvements and other site elements located on the Site, if otherwise, the Petitioner and/or owner of the Site reserves the right to subdivide lots within the interior of the Site and create lots within the exterior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however that all such separation standards along the exterior boundary of the Site shall be adhered to and treated as the Site as a whole and not individual portion or plots located therein.			
Environmental Features:			
1. The Petitioner shall comply with the Post Construction Controls Ordinance. The location, size, and type of storm water management systems are subject to review and approval as part of the full development plan submittal. Site plan submissions shall be permitted in order to accommodate actual storm water detention and treatment requirements. 2. Development within any SWMP/CSS Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated as required by City ordinance. Petitioner acknowledges intermittently perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.			
Proposed Uses:			
1. Proposed Uses: Up to 350 Multi-Family Residential Units			
Lighting:			
1. All attached and detached lighting will be tall cutoff fixtures and downwardly directed. However, upward facing architectural and landscape accent lighting shall be permitted. 2. Detached lighting on the site, except street lights located along public streets, will be limited to twenty-one (21) feet in height.			
Amendments to Rezoning Plan:			
Future amendments to these Development Standards may be applied for by the then Owner or Owners of the parcel or parcels within the Site in accordance with the provisions of Chapter 6 of the Ordinance. Further alterations or modifications to the Rezoning Plan which, in the opinion of the Planning Director, substantially alter the character or design intent of significance after the approved Technical Data Sheet or any of its conditions or which increase the intensity of or decrease the number of uses or activities on the Site and/or the time and/or manner in which they are conducted, may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance as applicable.			
Binding Effect of the Rezoning Documents and Definitions:			
1. If this Site Plan Amendment is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and their current and subsequent owners of the Site and their respective successors in interest and assigns. 2. Throughout these Development Standards, the terms, "Petitioner" and "owner" and "owners" shall be deemed to include the Petitioner and their current and subsequent owners of the Site and their respective successors in interest and assigns to the time who may be involved in any future development thereof.			
Permitted Uses:			
1. Uses allowed within the rezoning area included in this Petition are those uses that are permitted within the CC zoning district containing a maximum of (38) Multi-Family Apartment units along with any incidental and accessory uses relating to and allowable within the associated zoning district.			
Transportation:			
1. Vehicular access to public rights of way will be as generally depicted on the Rezoning Plan. Final locations, placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to minor modification required to accommodate final permitting and construction plan adjustments as required by NCDOT and CDOT for approval. 2. The site shall be served by a combination of public and private roads as depicted on the Rezoning Plan. Final locations of these roads and associated access driveways are subject to minor modifications and adjustments to accommodate final permitting and construction plans as required to obtain final plan approval. 3. The petitioner agrees to provide accessible sidewalk ramps at each corner of Public Road 1 and Rhine Road as generally depicted on the Rezoning Plan. The petitioner shall also provide 12' planting strip along Rhine Road adjacent to the Site. The sidewalk may meander adjacent the property and final location shall be coordinated with NCDOT and CDOT. 4. The petitioner's half commitment to the following off-site road improvements, including a 3-lane cross section along Rhine Road adjacent to the Site, is to be provided in accordance with the Site plan, in coordination with NCDOT and CDOT: a) Southbound left turn lane along Rhine Road to proposed public road. Stackling and taper length to be coordinated with NCDOT during permitting process. b) Northbound right turn lane at Rhine Road to proposed Public Road 1. Stackling and taper length to be coordinated with NCDOT during permitting process. c) The petitioner agrees to a \$200,000 contribution towards the construction of intersection improvements associated with the planned intersection improvement project at Mount Holly Road, Sonoma Valley Drive and Rhine Road. The contribution shall be made within nine (9) months of zoning petition approval by the Charlotte City Council or prior to the City of Charlotte issuance of a Site Grading Permit, whichever comes first. 5. The petitioner agrees to install an 8' sidewalk and minimum 8' wide landscape strip adjacent Public Road 1. The 8' sidewalk shall be modified during the current review process to accommodate off-site improvements and road geometry requirements as necessary to obtain final permit approvals. 6. The petitioner agrees to install Public Road 1 and improvements indicated within Transportation note #3 & #4 above prior to the sites first certificate of occupancy being issued. 7. All public transportation improvements shall be improved and constructed prior to the sites first certificate of occupancy being issued. However, installation of the road wanting surface course or Public Road 1 must be installed prior to the final certificate of occupancy being issued on site. 8. The petitioner agrees to install an 8' sidewalk and minimum 8' wide landscape strip adjacent Public Road 1. The 8' sidewalk shall be illustrated Street Section 1. 9. The petitioner agrees to construct an 8' landscape strip and 12' multi-use path adjacent to the existing sidewalk right of way crossing Rhine Road. The multi-use path shall not encroach into the existing sidewalk right of way crossing Rhine Road. 10. The petitioner agrees to dedicate right of way measured 40' from the existing Rhine Road centerline. 11. The petitioner agrees to dedicate right of way measured 55' from the existing Mount Holly Road centerline or up to the edge of existing rail right of way, whichever is greater. 12. The petitioner shall convey rights of way to NCDOT fee simple prior to the sites first certificate of occupancy being issued.			
Architectural and Design Standards:			
1. In addition to design provisions contained within the district regulations of the Zoning Ordinance for the CC district, the development of the site shall be subject to the following provisions and standards produced by the Petitioner and which will be binding on the development of the site. 2. The petitioner shall limit the base maximum average height of each residential structure on site to 45' and three (3) stories as further described in the Ordinance. 3. A variety of refined building materials may be utilized on the site and will be the combination of the following: Masonry, brick, concrete, precast concrete, stone, cast stone, steel, metal panels, wood, ceramic tile, geometric shapes, fiber cement, glass fiber reinforced concrete, vinyl, as well as Building material, windows, soffits and trim features. 4. Building placement and site design related to the commercial/retail buildings on site shall focus on enhancing the pedestrian environment adjacent Rhine Road with the design follow guidelines: a) Buildings shall be raised so as to prevent a zone of side grade to all public streets. b) Primary common entrances for residents shall be permissible on the end-of-block elevations of buildings. Architectural elements such as canopies, awnings, fascia articulation, changes in materials and color variations shall be utilized to elevate the significance of proposed common entrances. c) Direct pedestrian connections should be provided between common building entrances and adjacent public streets. d) Building elevations shall not have exposures as blank walls greater than 20 feet in all directions and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls. e) Building elevations shall be designed with vertical bays or arched architectural features which shall include a combination of at least one or more recessed panels, columns, pilasters, cornices or recessed elements.			

## Rhyne Corners Development Notes & Standards

Charlotte, NC 28214  
Waxhaw, NC 28173  
608 Briar Patch Terrace

Project No.: 20-CLT-066  
Date: 08.10.2020  
Designed By: MSW  
Checked By: GPP  
Sheet No.:



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 8. **File #:** 15-15559 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-141 by Flagship Healthcare Properties, LLC**

**Location:** Approximately 1.55 acres located along the southeast side of Colonial Avenue, along the west side of Vail Avenue, and the northeast side of Randolph Road. (Council District 1 - Egleston)

**Current Zoning:** O-2 (office)

**Proposed Zoning:** MUDD (CD) (mixed-use development, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-141**

**March 30, 2021**

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### **REQUEST**

Current Zoning: O-2 (office)  
Proposed Zoning: MUDD(CD) (mixed use development, conditional)

### **LOCATION**

Approximately 1.55 acres located along the southeast side of Colonial Avenue, along the west side of Vail Avenue, and the northeast side of Randolph Road.  
(Council District 1 - Egleston)

### **PETITIONER**

Flagship Healthcare Properties, LLC

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### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Elizabeth Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends office uses.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed use is consistent with the surrounding uses in the immediate area.
- The petition commits to streetscape along Randolph Road, N. Colonial Avenue, and Vail Avenue.
- A portion of the site has frontage along a major thoroughfare.
- The development incorporates transportation improvements around the immediate street network.
- The proposal commits to creating well-articulated building facades by incorporating features including but not limited to building materials, architectural treatments, transparent glass in strategic locations.

Motion/Second: Nwasike / Welton

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE DISCUSSION** Staff provided a summary of the petition and stated the proposed uses are consistent with the adopted area plan. Staff noted a change since public hearing reflected in the Post Hearing Staff Analysis and associated site plan to fund the signal at 7<sup>th</sup> and Bascom in lieu of providing \$50,000 to the Pedestrian program. Staff further identified a minor outstanding item pertaining to labeling improvements along all rights-of-way. There was no discussion of this petition.

**PLANNER** Claire Lyte-Graham (704) 336-3782



**Rezoning Petition 2020-141**  
**Final Staff Analysis**  
**April 19, 2021**

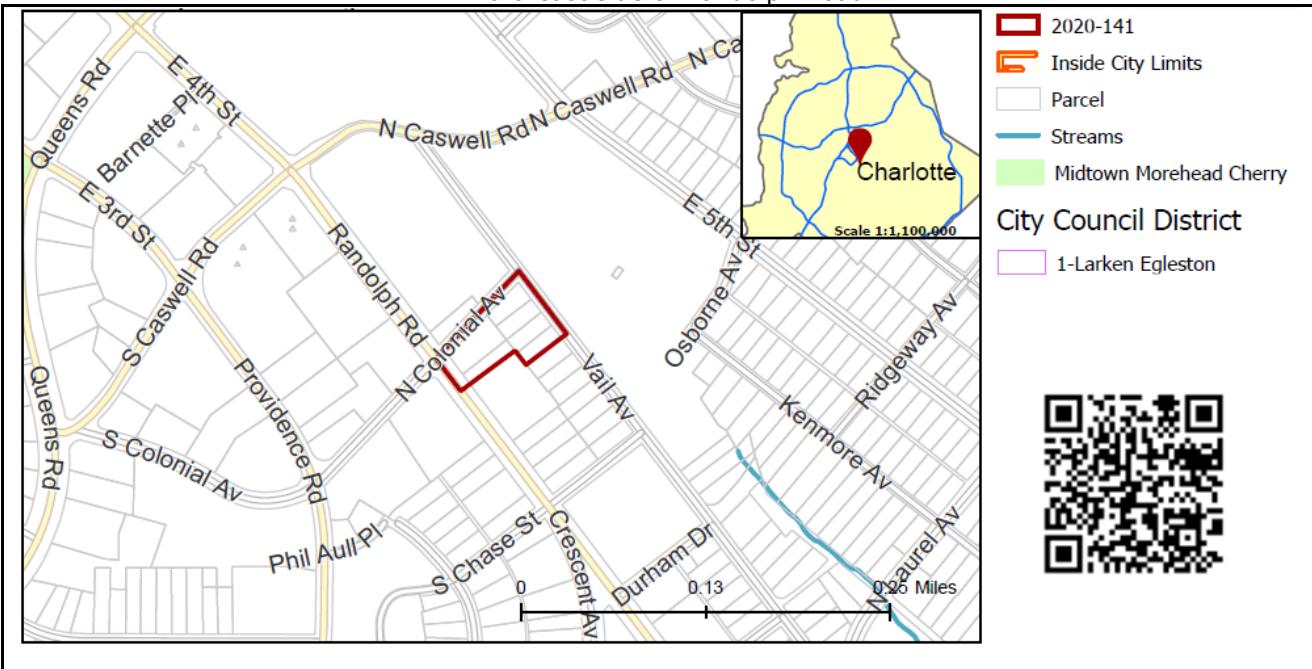
**REQUEST**

Current Zoning: O-2 (office)

Proposed Zoning: MUDD(CD) (mixed use development, conditional)

**LOCATION**

Approximately 1.55 acres located along the southeast side of Colonial Avenue, along the west side of Vail Avenue, and the northeast side of Randolph Road.



**SUMMARY OF PETITION**

The petition proposes to allow medical office uses, surgery centers, medical clinics and related uses on lots constructed with a medical office building and parking, located between Randolph Road and Vail Avenue, north of North Chase Street.

**PROPERTY OWNER**

Roper Family Limited Partnership; Sou Medical Investors Inc. c/o Southern Real Estate

**PETITIONER**

Flagship Healthcare Properties, LLC

**AGENT/REPRESENTATIVE**

Keith MacVean and Dujuana Keys, Moore & Van Allen

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 21

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Elizabeth Area Plan* (2011) recommendation for office uses.

Rationale for Recommendation

- The proposed use is consistent with the surrounding uses in the immediate area.
- The petition commits to streetscape along Randolph Road, N. Colonial Avenue, and Vail Avenue.
- A portion of the site has frontage along a major thoroughfare.
- The development incorporates transportation improvements around the immediate street network.

- The proposal commits to creating well-articulated building facades by incorporating features including but not limited to building materials, architectural treatments, transparent glass in strategic locations.

## PLANNING STAFF REVIEW

### • Proposed Request Details

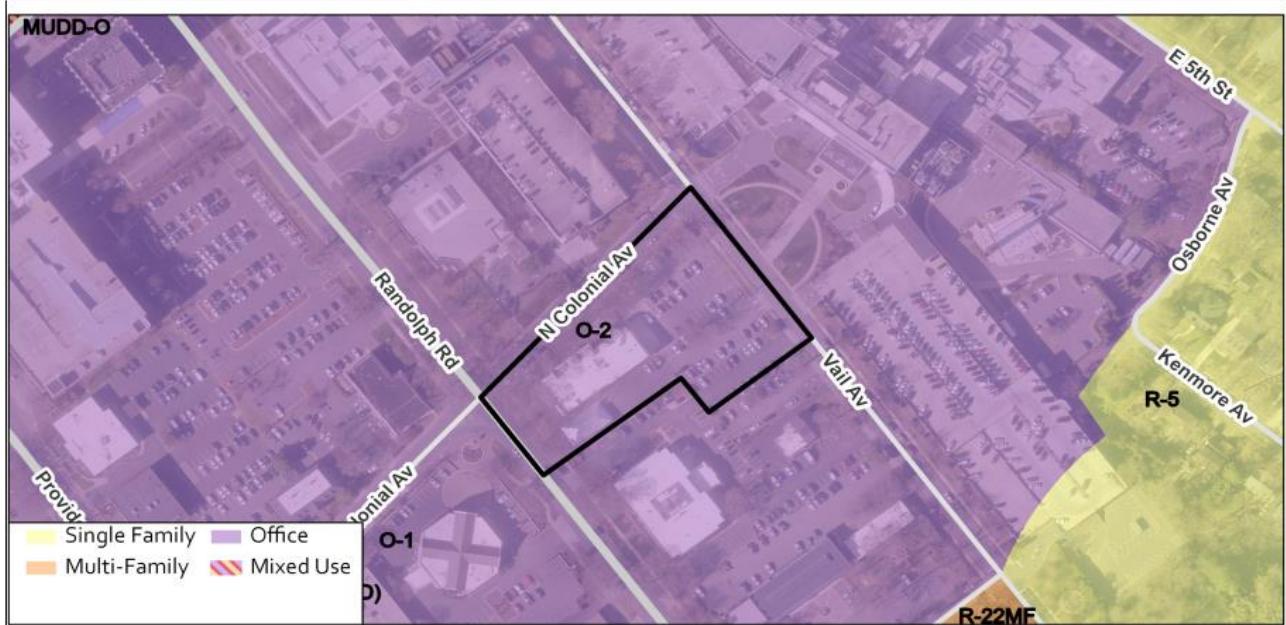
The site plan accompanying this petition contains the following provisions:

- Allow up to 117,000 square feet of general and medical office uses, surgery centers, medical clinics and related uses as permitted, under prescribed conditions together with accessory uses, including a parking structure, as allowed in the MUDD zoning district.
- Limits building height to 95 feet.
- Proposes the following transportation improvements:
  - Proposes access to the site from N. Colonial Avenue, Randolph Road, and Vail Avenue. Proposed access point to Randolph Road will be limited to an exit only driveway for use by an MRI trailer and other service vehicles.
  - Proposes construction of 2 ADA curb ramps at the intersection quadrant of N. Colonial Avenue and Vail Avenue.
  - Proposes construction of 2 ADA curb ramps at the intersection quadrant of N. Colonial Avenue and Randolph Road.
  - Installs an 8-foot sidewalk and 8-foot planting strip along Randolph Road, and N. Colonial and Vail Avenues.
  - *N. Caswell Road and 5<sup>th</sup> Street (Signalized):* Extend southbound right turn lane from 150 feet to 200 feet of storage.
  - *N. Caswell Road and Vail Avenue (Unsignalized):* States that in lieu of improvements recommended by the TIS at this intersection, petitioner recommends the following:
    - The developer will provide a monetary contribution of \$15,000 to the pedestrian program for pedestrian improvements in the area; or
    - The following traffic calming devices along Vail Avenue (if deemed acceptable by City staff)
      - Two additional speed humps along Vail Avenue between North Caswell Road and North Chase Street (location to be determined or coordinated with City staff)
      - Converting the intersection of North Colonial Avenue and Vail Avenue to an all-way stop controlled intersection.
  - *Randolph Road and N. Caswell Road (Signalized):* Implement left-turn permitted/protected phasing and install flashing yellow arrow signal heads on the northbound and southbound legs of the intersection of Randolph Road and Caswell Road.
  - ~~*Providence Road and N. Colonial Avenue (Unsignalized):* In lieu of improvements at this intersection, the petitioner will contribute \$50,000 to the pedestrian program for the installation of the currently planned traffic signal at the intersection of Randolph Road and N. Colonial Avenue.~~
  - ~~*Providence Road and N. Colonial Avenue (Unsignalized; and Randolph Road and N. Colonial Avenue (Unsignalized):* In lieu of additional roadway improvements at the above-referenced intersections, the petitioner will contribute \$50,000 to the pedestrian program for the installation of the currently planned traffic signal at this intersection. \*The petitioner will contribute a total of \$50,000\* toward the pedestrian Program which can be used at either one or both these intersections (the Intersection of N. Colonial and Randolph or the intersection of N. Colonial and Providence). partially fund the installation of the currently planned traffic signal at the intersection of 7<sup>th</sup> Street and Bascom Street/Cameron Avenue.~~
  - *Vail Avenue and Proposed Access "A" (Unsignalized):* Petitioner proposes the following intersection configuration:
    - One ingress lane and one egress lane (an eastbound combine left/right turn lane on Proposed Access "A").
    - Maximize internal protected stem.
  - Proposes the following architectural standards:
    - Provides architectural elevations with material schedule.
    - Proposes that the first-floor facades of the medical office building fronting on Randolph Road and N. Colonial Avenue will include windows for a minimum of 60% of the Randolph Road and N. Colonial Avenue elevation, transparent glass between 2 feet and 10 feet on the first floor. Up to 20% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3-foot clear depth between window and rear wall. Windows within this zone shall not be Screened with film, decals, and other opaque material,

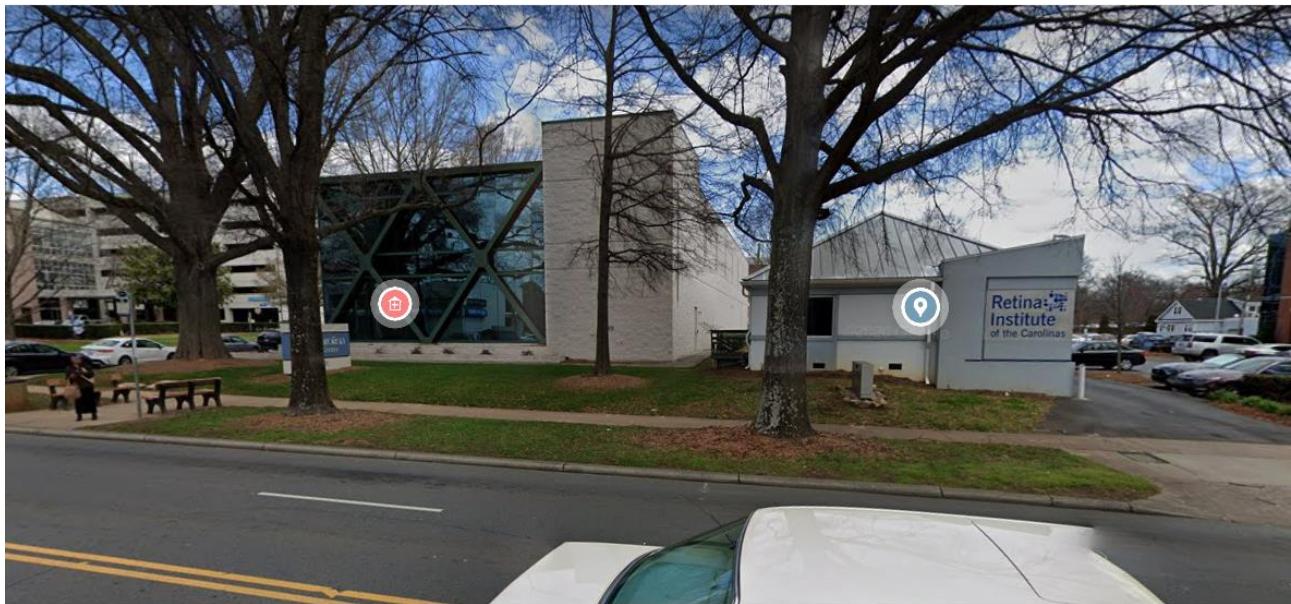
or glazing finishes. The maximum sill height for required transparency shall not exceed 4 feet above adjacent street sidewalk.

- Notes the facade of first/ground floor of the medical office building along Randolph Road and N. Colonial Avenue shall incorporate a minimum of 20% masonry material such as brick or stone. The following materials may not be used on the first-floor facades of the medical office building oriented toward N. Colonial Avenue and Randolph Road; EIFS, CMU block, and stucco.
- Prohibits expanses of blank walls greater than 20 feet in all direction through utilization of architectural features such as banding, medallions, or design features or materials.
- Designs the medical office building elevations with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
- Notes the multi-story medical office building will have a minimum of 20% transparency on upper stories.
- Proposes parking structures shall be designed so that vehicles parked on all levels of the structure and associated lighting are screened by a wall or panel measuring a minimum of 48 inches in height. Along N. Colonial Avenue and Vail Avenue, the first 3 levels of the parking deck facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the proposed medical office building, including use of similar materials and a similar rhythm of window openings. The remaining opening shall be screened using decorative elements such as grillwork, louvers, or a similar treatment (green walls will not be used as a screening element). For parking structures with rooftop open-air parking, a parapet wall of enough height to ensure vehicles are not visible from the nearest sidewalk is required. Any such parapet wall shall be a minimum of 4 feet in height.
- Notes urban open space will be provided along Randolph Road as generally depicted on the rezoning plan. This urban open space area will be improved with seating, landscaping, hardscape elements, and lighting.
- Notes petitioner will provide some pedestrian and neighborhood amenities within the 36-foot setback proposed along Vail Avenue. *Notes petitioner may establish and enforce: hours for the use of the open space, and rules for the use of this open space by the public, tenants, and guest of the building.*
- Notes that any administrative amendment requests submitted to the Planning Design & Development Department will also be provided to the ECA Land Use & Development Committee so that they are aware of the proposed changes to the approved Conditional plan.

- **Existing Zoning and Land Use**



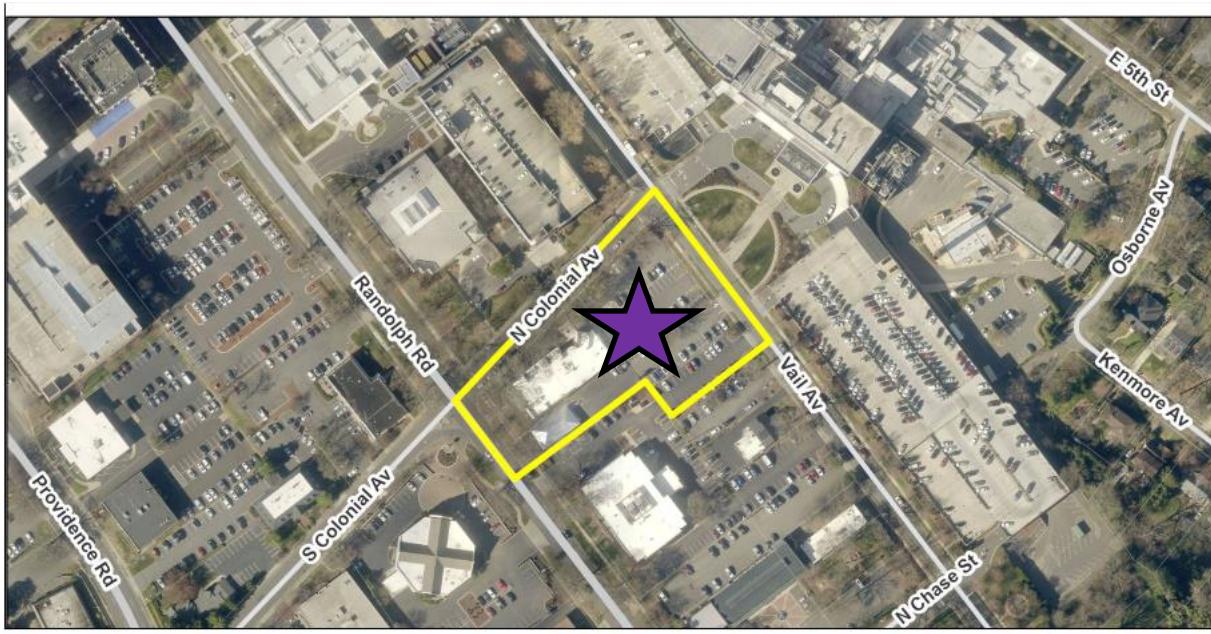
- The rezoning site is developed with a medical office building constructed in 1991 and is immediately surrounded by medical facilities, health institutions, and medical offices zoned O-2.



The rezoning site is developed with medical office buildings and accessory parking.

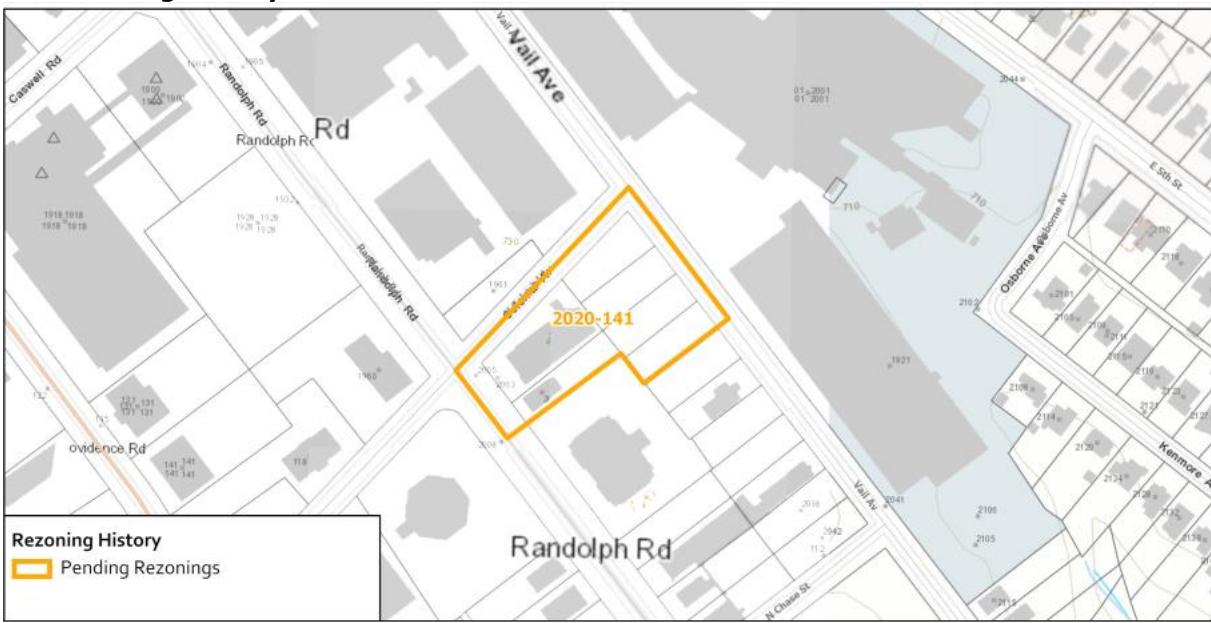


The rezoning site is immediately surrounded by medical office buildings and health institutions.



The rezoning site (denoted by purple star) is immediately surrounded by medical office buildings and health institutions.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

- Public Plans and Policies**



- The *Elizabeth Area Plan* recommends office on the subject parcel.
- TRANSPORTATION SUMMARY**
  - The site abuts three City-maintained streets: Vail Avenue (minor collector), Colonial Avenue (minor collector), and Randolph Road (major thoroughfare). A Traffic Impact Study (TIS) was approved on February 1, 2021. The Petitioner commits to constructing an 8-foot planting strip, and 8-foot sidewalk along the site's frontage per Chapter 19 and Charlotte WALKS and two ADA Curb ramps per intersection quadrant in accordance with the ADA law and PROWAG, improving the bicycle and pedestrian connectivity in the City. Additionally, the Petitioner will contribute to traffic calming in the area via improvement(s) or funding, per the approved TIS, to be decided during the permitting process. CDOT has no further comments.
- Active Projects:**
  - Randolph Road at Colonial Avenue Traffic Signal
    - Installation of a pedestrian hybrid beacons, pedestrian refuge islands, and other pedestrian safety improvements in various locations throughout Charlotte
    - 90% Design
- Transportation Considerations**
  - No outstanding issues.
- Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 670 trips per day (based on 19,154 square foot medical office).  
Entitlement: 700 trips per day (based on 20,100 square foot medical office).  
Proposed Zoning: 4,072 trips per day (based on 117,000 square foot medical office).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** No outstanding issues.
- Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Vail Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Vail Avenue. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Engineering and Property Management:**
  - Arborist:** No comments submitted.
  - Erosion Control:** No outstanding issues.
  - Land Development:** ~~See Outstanding Issues, Note 3. Addressed~~
  - Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

**OUTSTANDING ISSUES**Site and Building Design

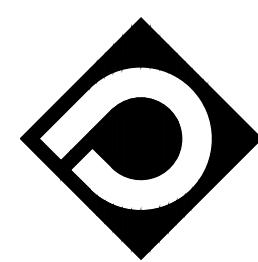
1. Under Site Development Data remove reference to number of stories. **Addressed**
  2. Label 8-foot sidewalk and 8-foot planting strip along Randolph Road and Vail Avenue. **Addressed**
  3. The setbacks labeled on the site plan are different from the 14' noted under Rezoning Summary. The setbacks will need to match what is shown on the site plan. **Addressed**
  4. On the Elevations sheet label east, west elevation (or identified street view). Signage is not part of this review. **Addressed**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782







**Cole, Jenest  
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Charlotte, North Carolina 28202  
P: 704.376.3556 F: 704.376.851  
[www.colejeneveststone.com](http://www.colejeneveststone.com)

## FLAGSHIP HEALTHCARE

2701 COLTSGATE ROAD  
CHARLOTTE, NC 28211

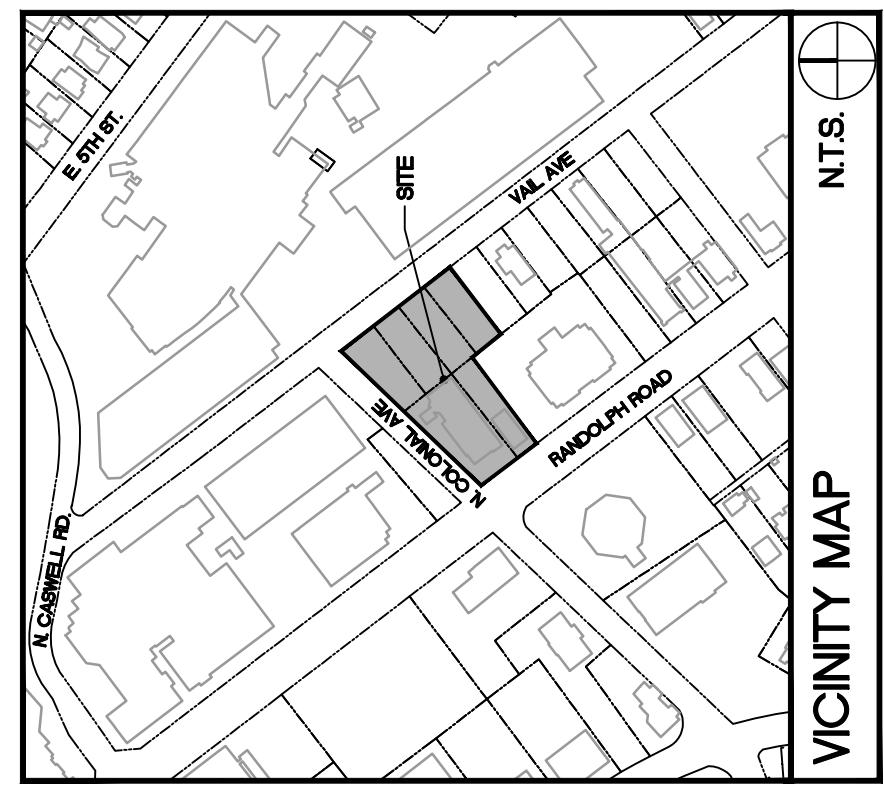
## RANDOLPH ROAD

### MOB

2001 RANDOLPH ROAD

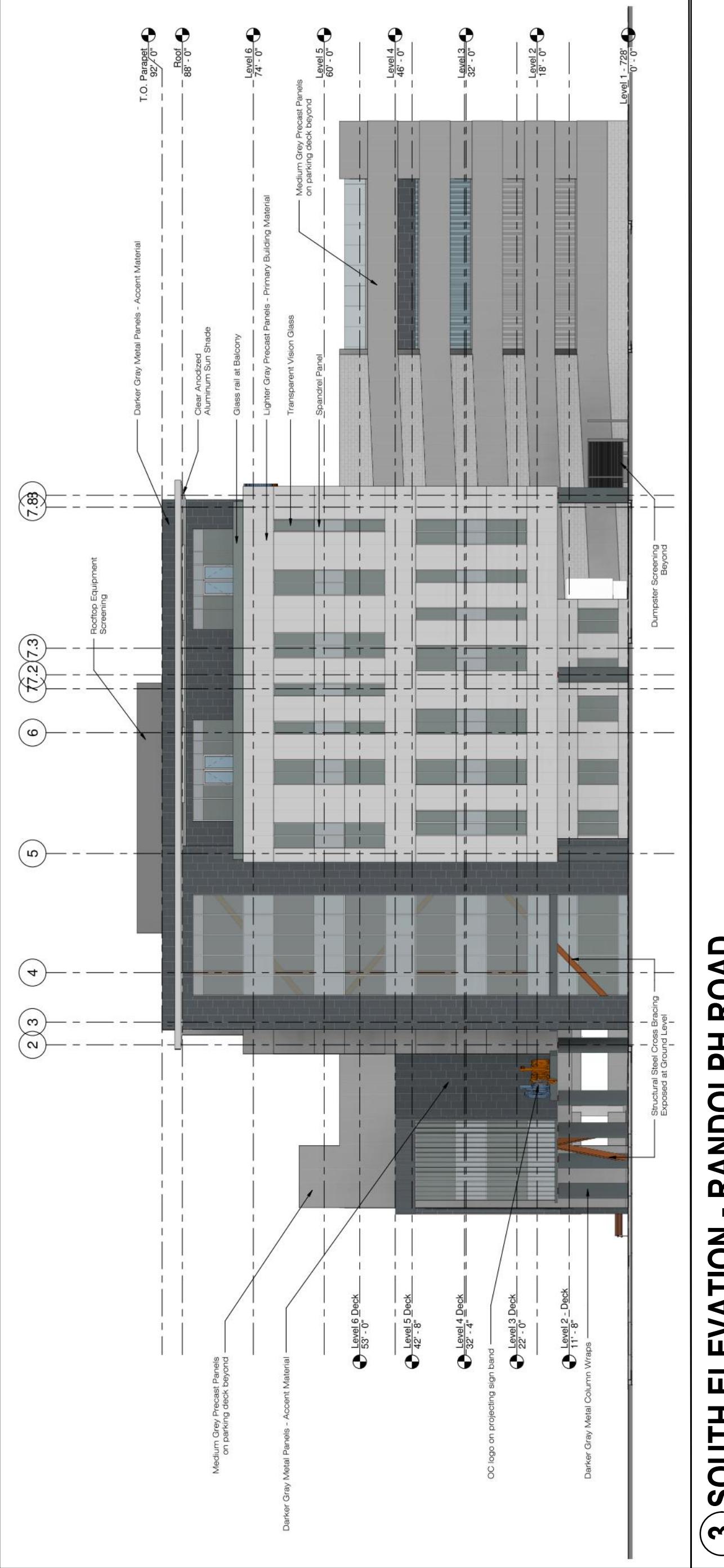
CHARLOTTE, NC 28207

### ARCHITECTURAL RENDERINGS

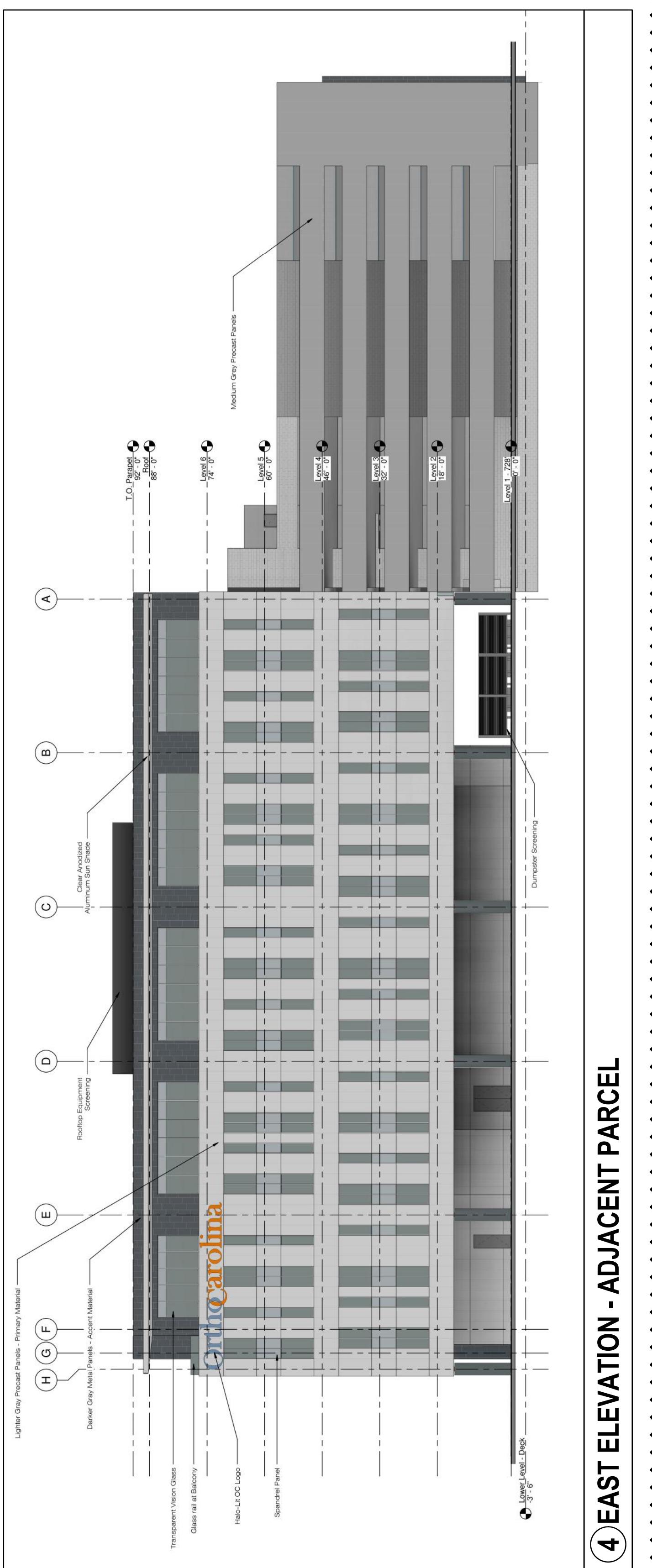


**VICINITY MAP**  
N.T.S.

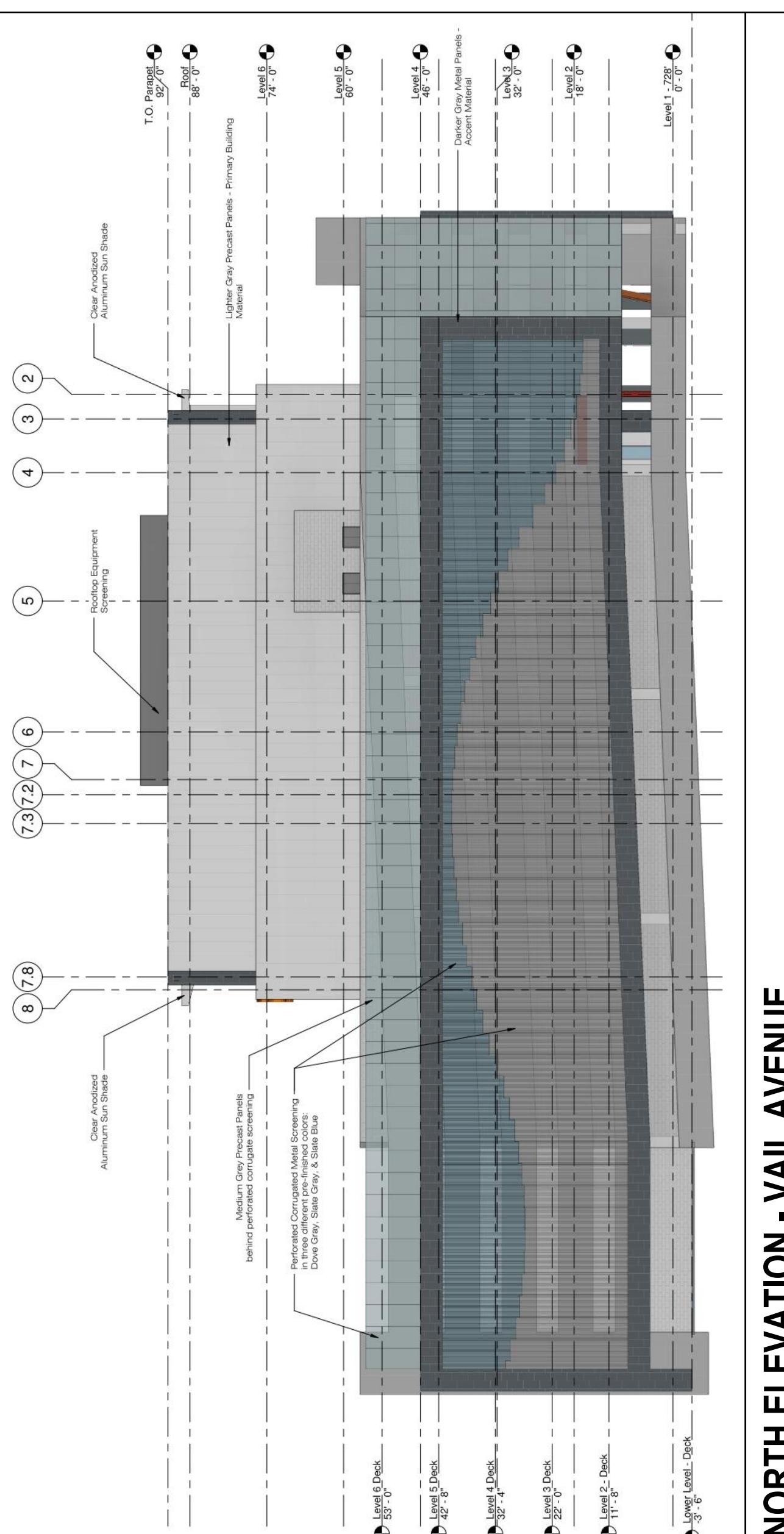
**SURVEY DISCLAIMER**  
ALTA/ACSM LAND TITLE SURVEY ISSUED MARCH 02, 2020  
PROVIDED BY A.G. ZOUTWELLE SURVEYORS, 1418 EAST  
FH ST., CHARLOTTE, NC 28204, (704) 372-9444.



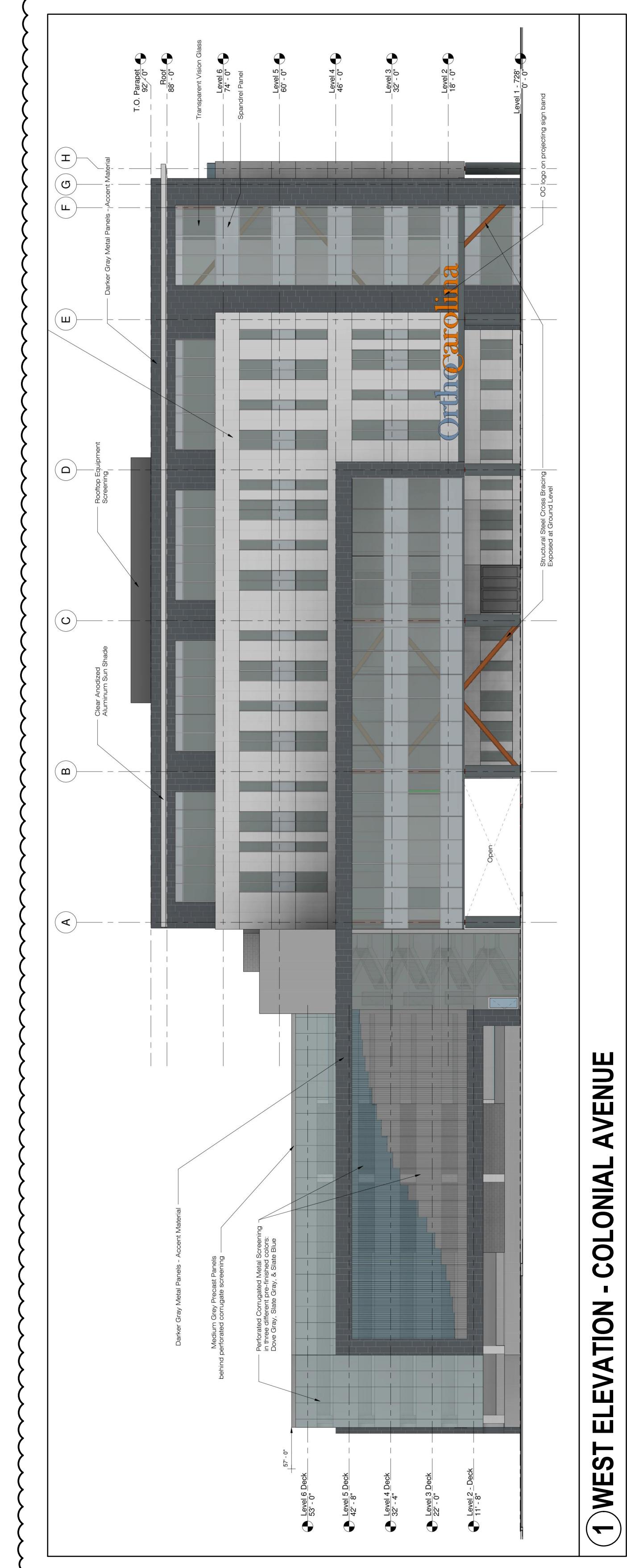
### ③ SOUTH ELEVATION - RANDOLPH ROAD



### ② NORTH ELEVATION - VAIL AVENUE



### ① WEST ELEVATION - COLONIAL AVENUE



### ROAD

### MOB

2001 RANDOLPH ROAD

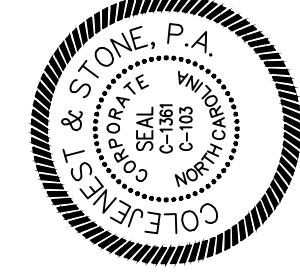
CHARLOTTE, NC 28207

### ARCHITECTURAL RENDERINGS

Revised  
5

02/15/21 - REZONING AMENDMENT

03/22/21 - REZONING AMENDMENT



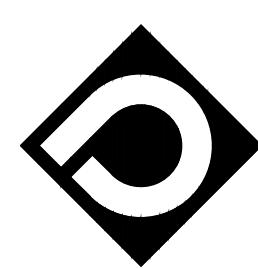
**REZONING PETITION**  
2020-141

**RZ-300**

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### ④ EAST ELEVATION - ADJACENT PARCEL



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[www.colejeneveststone.com](http://www.colejeneveststone.com)

## FLAGSHIP HEALTHCARE

2701 COLTSGATE ROAD  
CHARLOTTE, NC 28211

## RANDOLPH ROAD MOB

## LANDSCAPE RENDERING

Project No.

4715.00

Issued

4/24/20

Revised

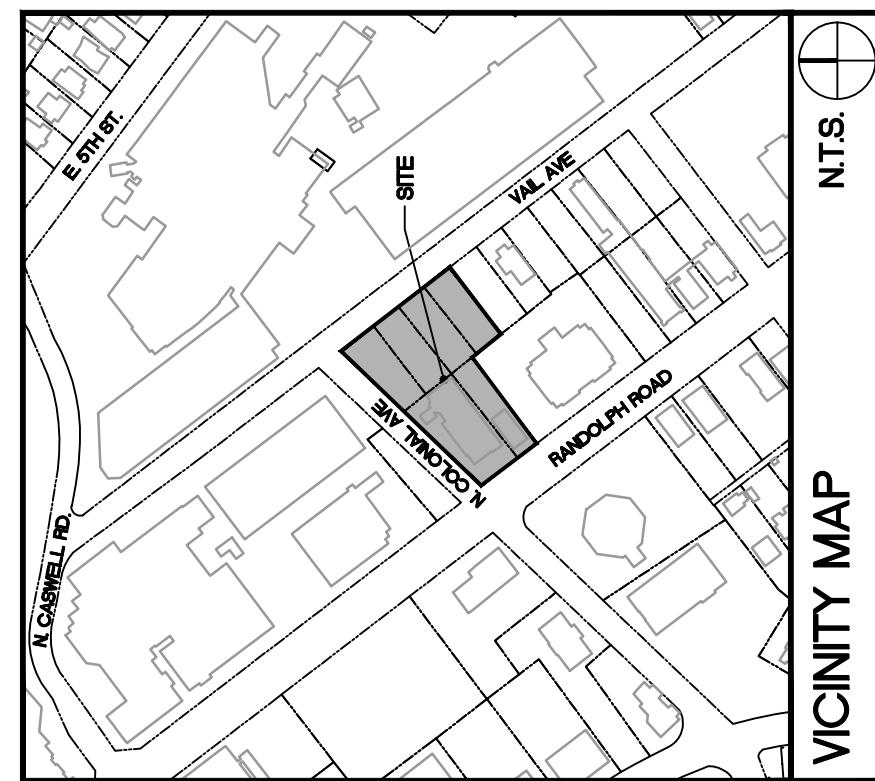
4/3/22/21 – REZONING AMENDMENT



**REZONING PETITION**  
**2020-141**

**RZ-400**

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**VICINITY MAP**  
N.T.S.  
**SURVEY DISCLAIMER**  
ALTA/ACSM LAND TITLE SURVEY ISSUED MARCH 02, 2020  
PROVIDED BY A.G. ZOUTWELLE SURVEYORS, 1418 EAST  
FIFTH ST., CHARLOTTE, NC 28204, (704) 372-9444.





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

---

**Agenda #:** 9. **File #:** 15-15560 **Type:** Zoning Decision

---

## **Rezoning Petition: 2020-150 by Evolve Acquisition, LLC**

**Location:** Approximately 20.267 acres located along the south side of Alexandria Road, north of Interstate 485, and west of Highway 77. (ETJ; Closest to District 2 - Graham)

**Current Zoning:** R-3 (single-family residential and BP (business park)

**Proposed Zoning:** R-17 MF (CD) (multi-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

## **Zoning Committee Recommendation**

**Rezoning Petition 2020-150**

**March 30, 2021**

---

### **REQUEST**

Current Zoning: R-3 (single family residential) and BP (business park)

Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)

### **LOCATION**

Approximately 20.267 acres located along the south side of Alexandriana Road, north of Interstate 485, and west of Highway 77.

(Outside City Limits) Malcom Graham closest City Council District

### **PETITIONER**

Evolve Acquisition LLC

---

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Northlake Area Plan* (2008) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail uses up to 17 dwelling units per acre.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This petition proposes up to 312 multi-family dwelling units for a density of 15.4 DUA. This proposal is consistent with the area plan recommendation of residential/office/retail up to 17 DUA.
- This proposal furthers the area plan's goal of increasing the housing stock to be more diverse, especially in areas which are designated for higher density housing.
- The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 12-foot multi-use path along the site's frontage on Alexandriana Road. Additionally, an 8-foot planting strip and 6-foot sidewalk along each side of the new public street will be constructed, as designated on the site plan.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan* (2008), from Residential/Office/Retail to Residential up to 17 DUA for the site.

Motion/Second: Welton / Blumenthal

Yea's: Barbee, Blumenthal, Kelly, McMillan, Nwasike,  
Samuel, and Welton

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

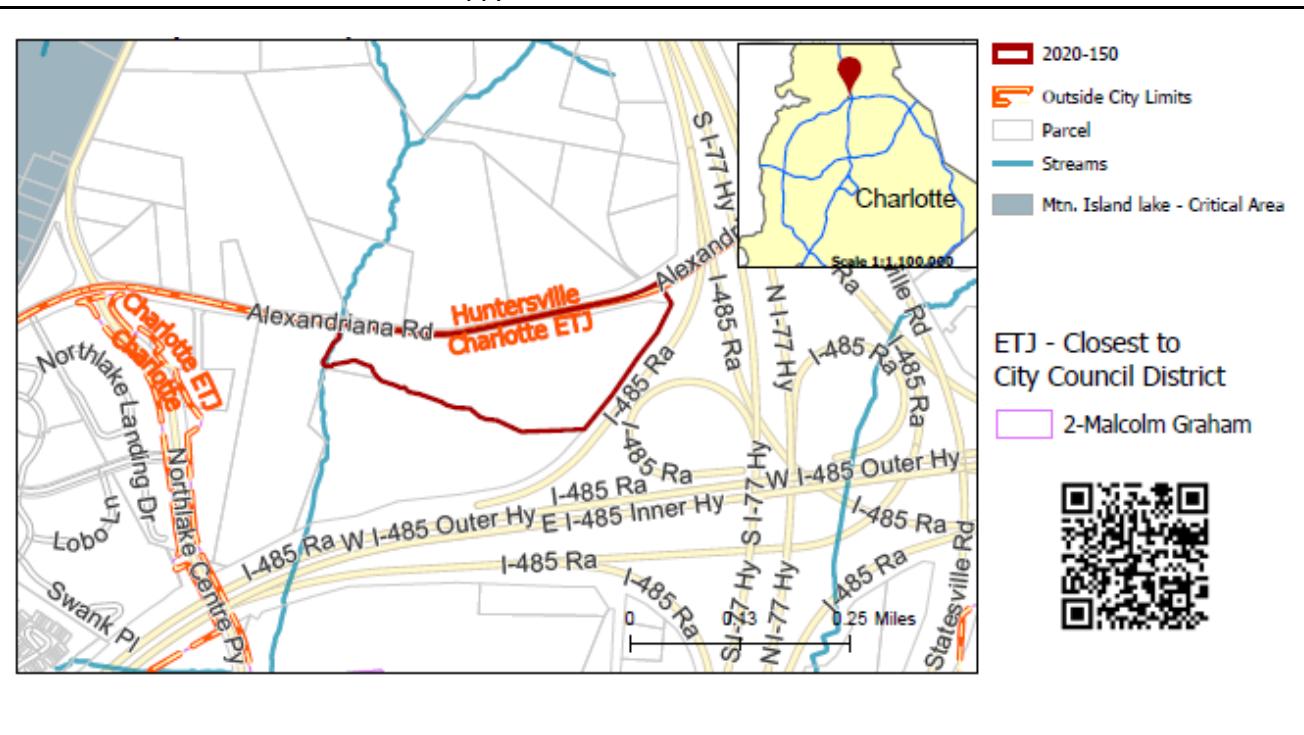
Michael Russell (704) 353-0225

**REQUEST**

Current Zoning: R-3 (single family residential) and BP (business park)  
 Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)

**LOCATION**

Approximately 20.267 acres located along the south side of Alexandriana Road, north of Interstate 485, and west of Highway 77.



**SUMMARY OF PETITION**

The petition proposes a residential community allowing up to 312 multi-family dwelling units with a density of 15.4 dwelling units per acre.

**PROPERTY OWNER**

PPW Alexandriana, LLC and DEW Alexandriana, LLC

**PETITIONER**

Evolve Acquisition LLC

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw & Hinson, PA

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 2

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northlake Area Plan (2008)* recommendation of residential/office/retail up to 17 dwelling units per acre (DUA).

Rationale for Recommendation

- This petition proposes up to 312 multi-family dwelling units for a density of 15.4 DUA. This proposal is consistent with the area plan recommendation of residential/office/retail up to 17 DUA.

- This proposal furthers the area plan's goal of increasing the housing stock to be more diverse, especially in areas which are designated for higher density housing.
- The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 12-foot multi-use path along the site's frontage on Alexandriana Road. Additionally, an 8-foot planting strip and 6-foot sidewalk along each side of the new public street will be constructed, as designated on the site plan.

The approval of this petition will revise the adopted future land use as specified by the *Northlake Area Plan (2008)*, from Residential/Office/Retail to Residential up to 17 DUA for the site.

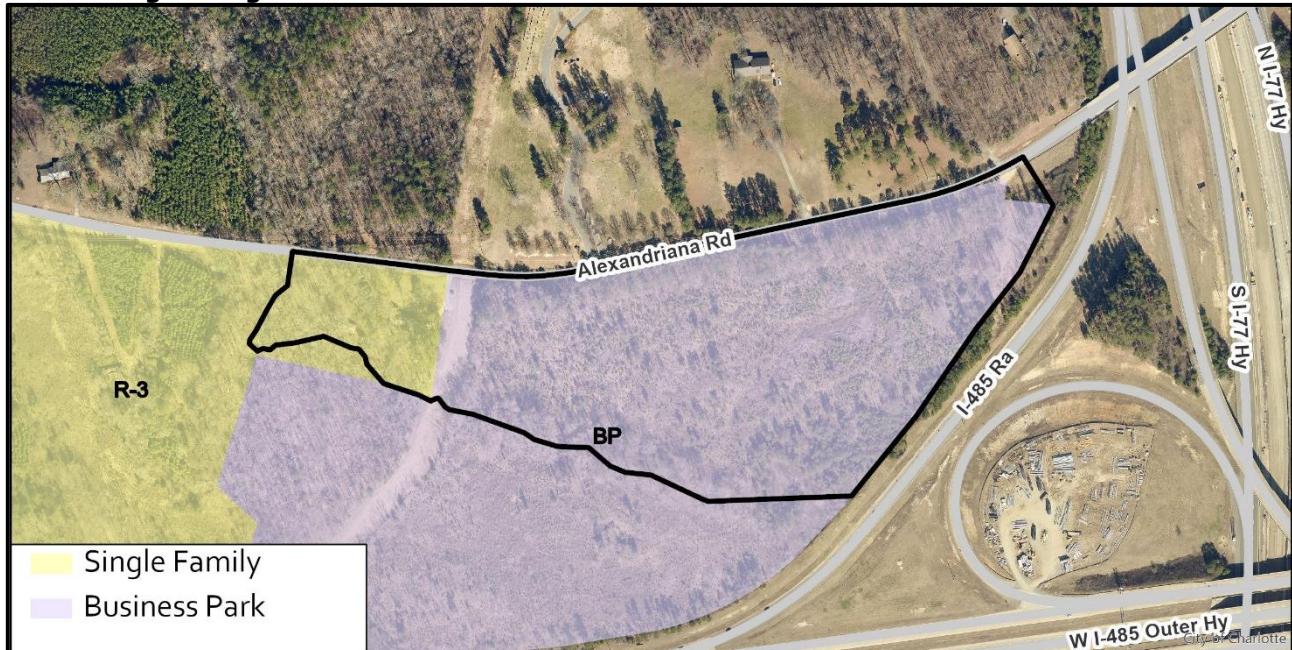
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 312 multi-family dwelling units including a leasing and management office.
- Commits to providing left and right-turn lanes at both proposed access locations.
- Commits to an 8-foot planting strip and 12-foot multi-use path along the site's frontage.
- Commits to an 8-foot planting strip and 6-foot sidewalk along each side of the new public street.
- Provides a 20,000 square feet amenity area to include a club house with fitness center, a swimming pool, and pool house.
- Architectural details include:
  - All principal and accessory buildings abutting a street will comprise a minimum of 20% of the building's façade using brick, natural stone, pre-cast stone, stucco.
  - Buildings exceeding 120-feet in length will include one or more modulations of the building massing/facade plane such as recesses, projections, and architectural details. Modulations will be a minimum of 10-feet wide and project or recess a minimum of 6-feet extending through the building.
  - Prohibits Vinyl siding (but not vinyl hand rails, windows, doors, or door trim) and concrete masonry not architecturally finished.
  - Building elevations designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
  - Long pitched or flat roof lines will avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

### • Existing Zoning and Land Use



Surrounding land uses include single family homes, a cemetery and vacant land.



The subject property denoted by red star.



The property to the north along Alexandriana Road is developed with Northlake Memorial Gardens.



The property borders the Interstates 77 and 485 interchange to the east.



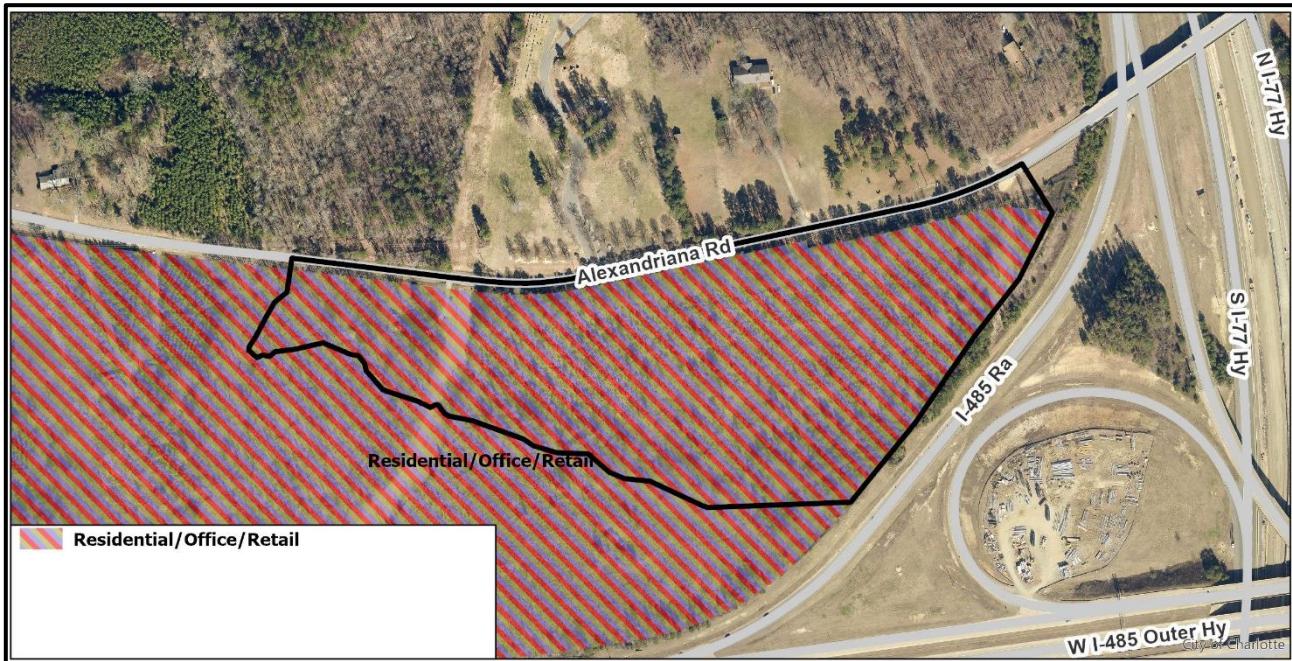
The property to the south and west is undeveloped.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-084	Rezoned 5.14 acres to allow all uses permitted in the I-1 (light industrial) district.	Approved
2018-139	Rezoned 2.44 acres to allow all uses permitted in the I-1 (light industrial) district.	Approved

- **Public Plans and Policies**



- The *Northlake Area Plan (2008)* calls for Residential/Office/Retail up to 17 DUA for the site.
- **TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained minor thoroughfare road [Alexandriana Road]. The petitioner will widen Alexandriana Road to contribute toward a future 4-lane divided roadway that will accommodate existing and proposed constraints. The petitioner has committed to providing left and right-turn lanes at both proposed access locations. In accordance with Charlotte BIKES, the petitioner has committed to constructing a 12-foot shared-use path along the site's road frontage of Alexandriana Road. The petitioner, CDOT, and NCDOT also reviewed the access locations to provide clear sight visibility and to align with future driveways that are proposed within the Town of Huntersville. All outstanding CDOT comments have been successfully addressed.
- **Active Projects:**
  - I-77 Express Lanes
  - NCDOT TIP # I-5405
  - Under Construction
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 10 trips per day (based on 1 single family dwelling).  
Entitlement: 6,095 trips per day (based on 8 single family dwellings and 100,000 square feet of retail).  
Proposed Zoning: 1,700 trips per day (based on 312 apartments).

**DEPARTMENT COMMENTS** (see full department reports online)

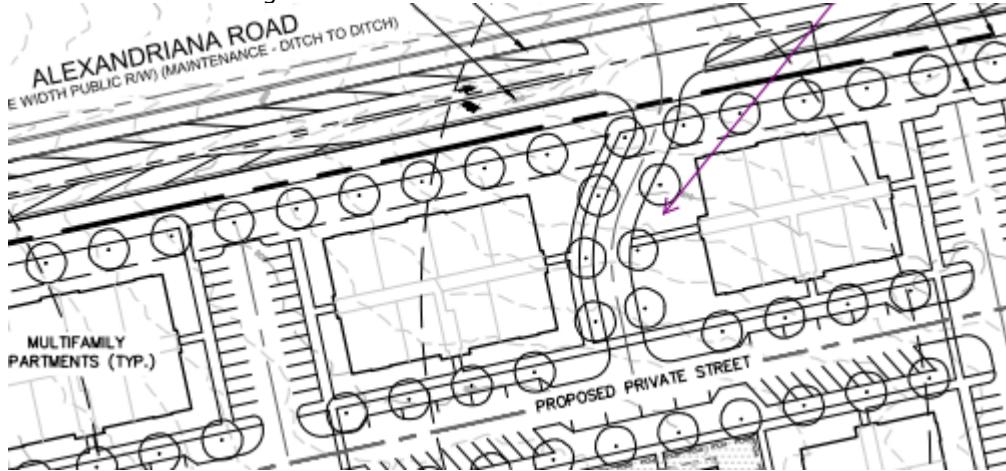
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.

- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 38 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 35 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Torrence Creek Elementary from 137% to 140%.
    - Bradley Middle remains at 109%.
    - Hopewell High remains at 93%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### OUTSTANDING ISSUES

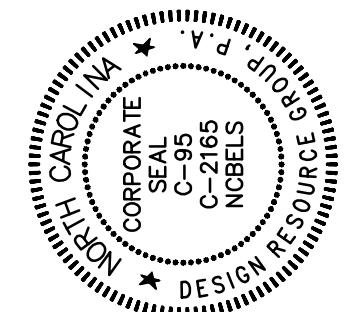
##### Site and Building Design

1. Extend sidewalk along both sides of the entrance road. Addressed



**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225



REZONING PETITION  
FOR PUBLIC HEARING  
2020-150

## ALEXANDRIANA SITE

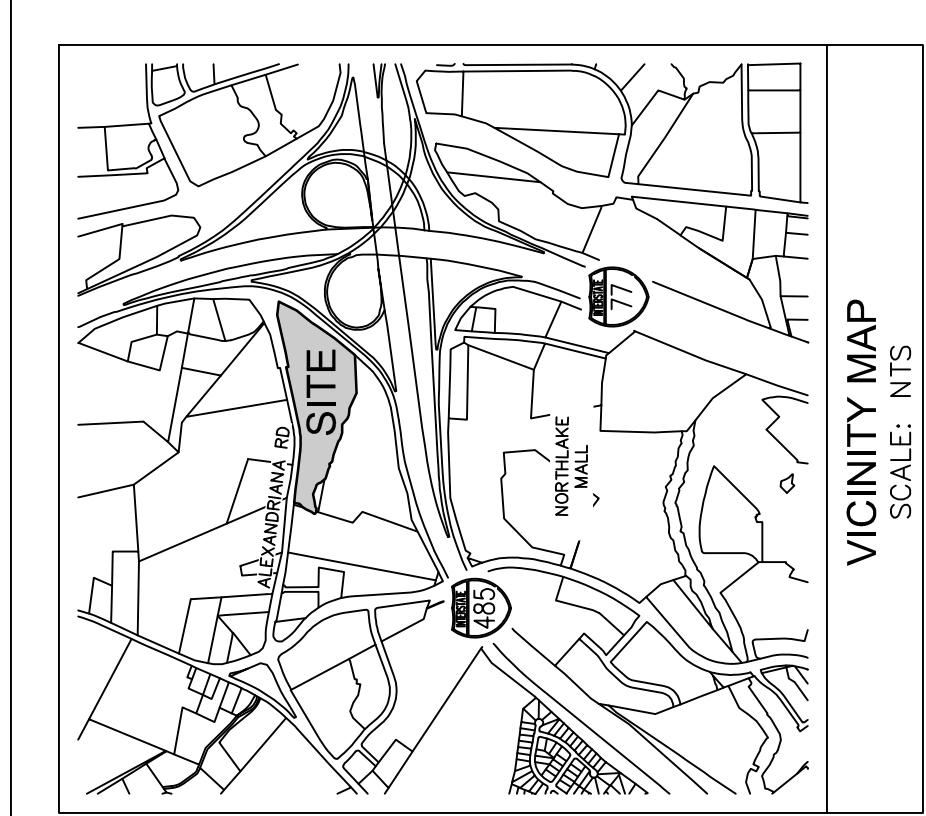
CHARLOTTE, NC ETJ

EVOOLVE COMPANIES  
2012 EASTWOOD ROAD  
WILMINGTTON, NC 28403  
919-455-1051

## SCHEMATIC SITE PLAN

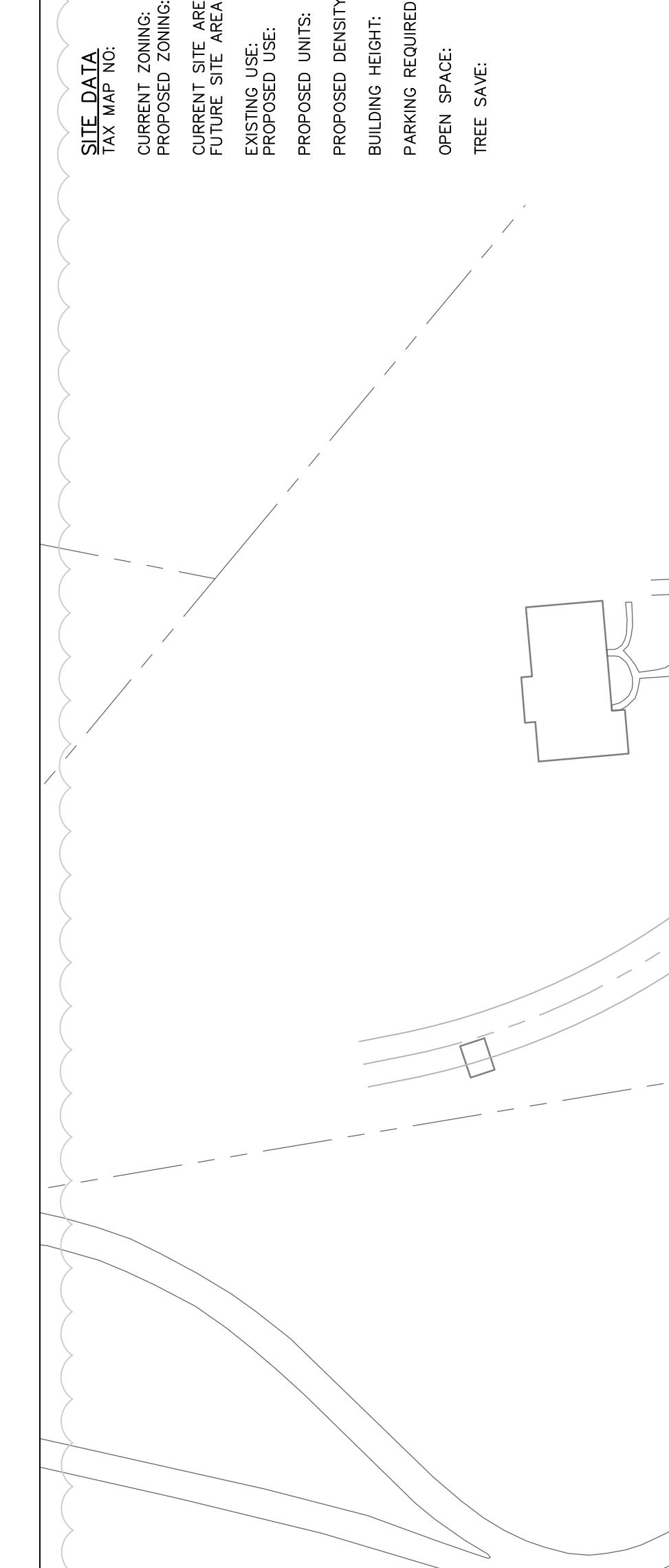
SCALE: 1" = 80' N  
0 40 80  
PROJECT #: 902-01  
DRAWN BY: IO  
CHECKED BY: NB  
SEPTEMBER 9, 2020

REVIZION:  
1. 12/14/20 - PER STAFF COMMENTS  
2. 11/11/21 - PER STAFF COMMENTS  
3. 2/23/21 - PER STAFF COMMENTS  
4. 3/22/21 - PER STAFF COMMENTS



VICINITY MAP  
SCALE: NTS

SITE DATA  
TAX MAP NO: 02080104  
CURRENT ZONING: BP & R-3  
PROPOSED ZONING: R-17 NF (CD)  
CURRENT SITE AREA: ±20.267 AC  
FUTURE SITE AREA: TBD AFTER ROW DEDICATION  
EXISTING USE: VACANT  
PROPOSED USE: MULTIFAMILY APARTMENTS  
PROPOSED UNITS: UP TO 312 UNITS  
PROPOSED DENSITY: 15.39 DU/A  
BUILDING HEIGHT: SHALL MEET ORDINANCE REQUIREMENTS  
PARKING REQUIRED: SHALL MEET ORDINANCE REQUIREMENTS  
OPEN SPACE: CENTER - SHALL MEET THE TREE  
TREE SAVE: ORDINANCE REQUIREMENTS



TOWN OF  
HUNTERSVILLE

VICINITY MAP  
SCALE: NTS

TOWN OF  
HUNTERSVILLE

DRG-ALEX-001 ALEXANDRIANA ROAD SITE DRAWING - PLOT SHEET 1 OF 2





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

---

**Agenda #:** 10. **File #:** 15-15561 **Type:** Zoning Decision

---

## **Rezoning Petition: 2020-159 by Bainbridge Communities Acquisitions III, LLC**

**Location:** Approximately 14.83 acres bound by the northern side of Mallard Creek Road, the northeast side of Ridge Road and the eastern side of Beard Road. (Council District 4 - Johnson)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** R-22MF (CD) (multi-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-159**

**March 30, 2021**

---

### **REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-22MF(CD) (multi-family residential, conditional)

### **LOCATION**

Approximately 14.83 acres bound by the northern side of Mallard Creek Road, the northeast side of Ridge Road, and the eastern side of Beard Road.  
(Council District 4 - Johnson)

### **PETITIONER**

Bainbridge Communities Acquisitions III, LLC

---

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Northeast Area Plan* (2000) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family/office/retail uses, up to 12+ dwelling units per acre.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The Northeast Area Plan recommends retail and office for this site and requires a residential component as well, up to 12+ DUA. The 21.9 DUA proposed by this plan and the petition's commitment to providing multifamily development on the site is consistent with the plan's land use recommendation
- The site fronts Mallard Creek Road and is across the street from recent rezoning 2019-169, which was approved for multi-family residential at 17 DUA.
- The petitioner commits to enhancing the pedestrian experience by constructing an 8-foot planting strip and 12-foot shared-use path along Ridge Road and Mallard Creek Road.
- The petition is committed to providing improved open space amenity areas with landscaping, seating areas, hardscape elements, and shade structures as applicable and appropriate to the proposal.

Motion/Second: Welton / Barbee  
Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton  
Nays: None  
Absent: McMillan  
Recused: None

**ZONING COMMITTEE DISCUSSION** Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

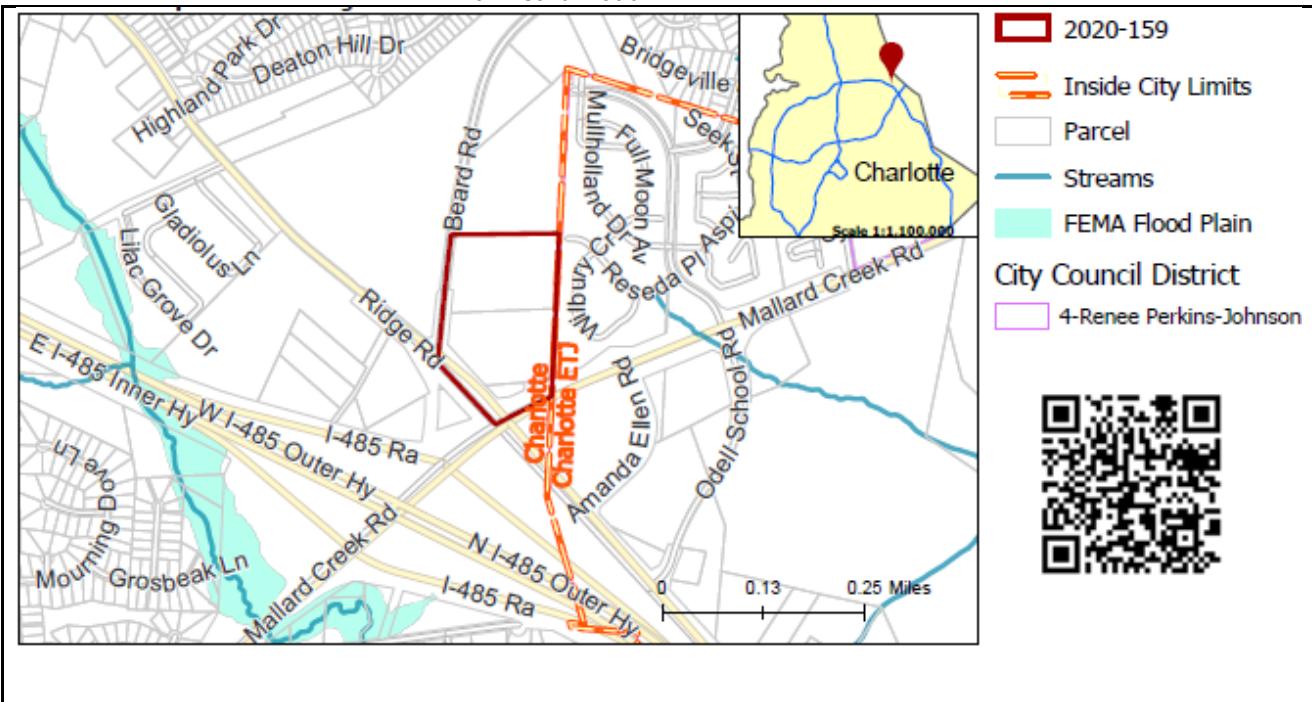
Michael Russell (704) 353-0225

**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: R-22MF(CD) (multi-family residential, conditional)

**LOCATION**

Approximately 14.83 acres bound by the northern side of Mallard Creek Road, the northeast side of Ridge Road, and the eastern side of Beard Road.



**SUMMARY OF PETITION**

The petition proposes to develop up to 325 multi-family residential units in five buildings with a density of 21.9 dwelling units per acre.

**PROPERTY OWNER**

Daniel & Vivian Robbins

**PETITIONER**

Bainbridge Communities Acquisitions III, LLC

**AGENT/REPRESENTATIVE**

Justin Houston, Kimley-Horn

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan's* (2000) recommendation of multi-family/office/retail uses, up to 12+ dwelling unit per acre (DUA).

Rationale for Recommendation

- The *Northeast Area Plan* recommends retail and office for this site and requires a residential component as well, up to 12+ DUA. The 21.9 DUA proposed by this plan and the petition's commitment to providing multifamily development on the site is consistent with the plan's land use recommendation

- The site fronts Mallard Creek Road and is across the street from recent rezoning 2019-169, which was approved for multi-family residential at 17 DUA.
- The petitioner commits to enhancing the pedestrian experience by constructing an 8-foot planting strip and 12-foot shared-use path along Ridge Road and Mallard Creek Road.
- The petition is committed to providing improved open space amenity areas with landscaping, seating areas, hardscape elements, and shade structures as applicable and appropriate to the proposal.

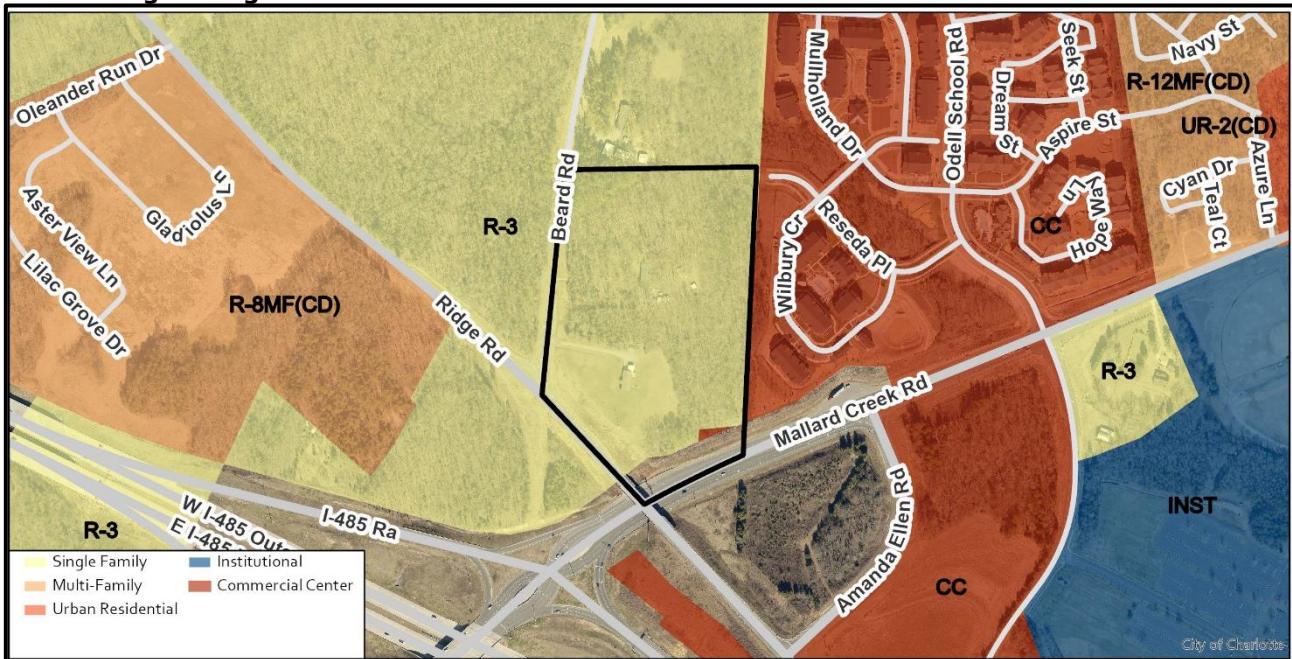
## PLANNING STAFF REVIEW

- **Proposed Request Details**

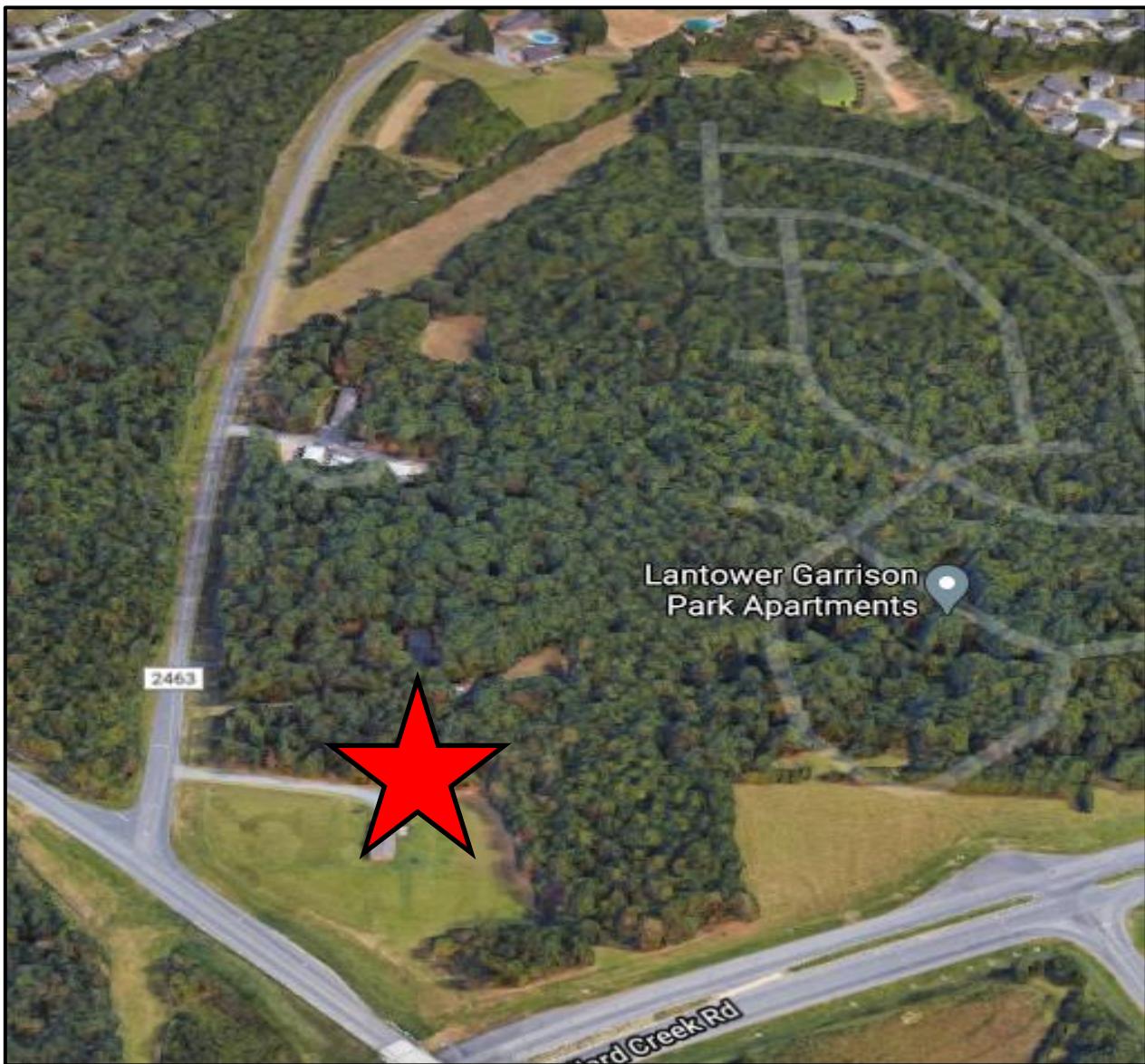
The site plan accompanying this petition contains the following provisions:

- Allows up to 325 multi-family units in 5 buildings.
- Commits to an 8-foot planting strip and 12-foot shared-use path along Ridge Road, Beard Road and Mallard Creek Road.
- Access to the site will be from Beard Road.
- Provides a right turn lane on Beard Road with a 100-foot storage lane.
- Provides an 11,000 square-foot amenity area with landscaping, seating areas, hardscape elements, and shade structures.
- Provides a sidewalk and cross-walk network that connects entrances to parking areas.
- Limits detached lighting to 22-feet in height.
- Architectural features include:
  - Principal buildings will use a variety of materials including a combination of glass, brick, metal, stone, simulated stone, pre-cast stone, hardi-plank, or wood/composite wood.
  - Buildings exceeding 120 feet in length shall include one or more modulations of the building massing/facade plane such as recesses, projections, and architectural details.
  - Prohibits Vinyl siding (but not vinyl hand rails, windows, doors, garage doors or door trim) and concrete masonry not architecturally finished.
  - Building elevations designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
  - Long pitched or flat roof lines will avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

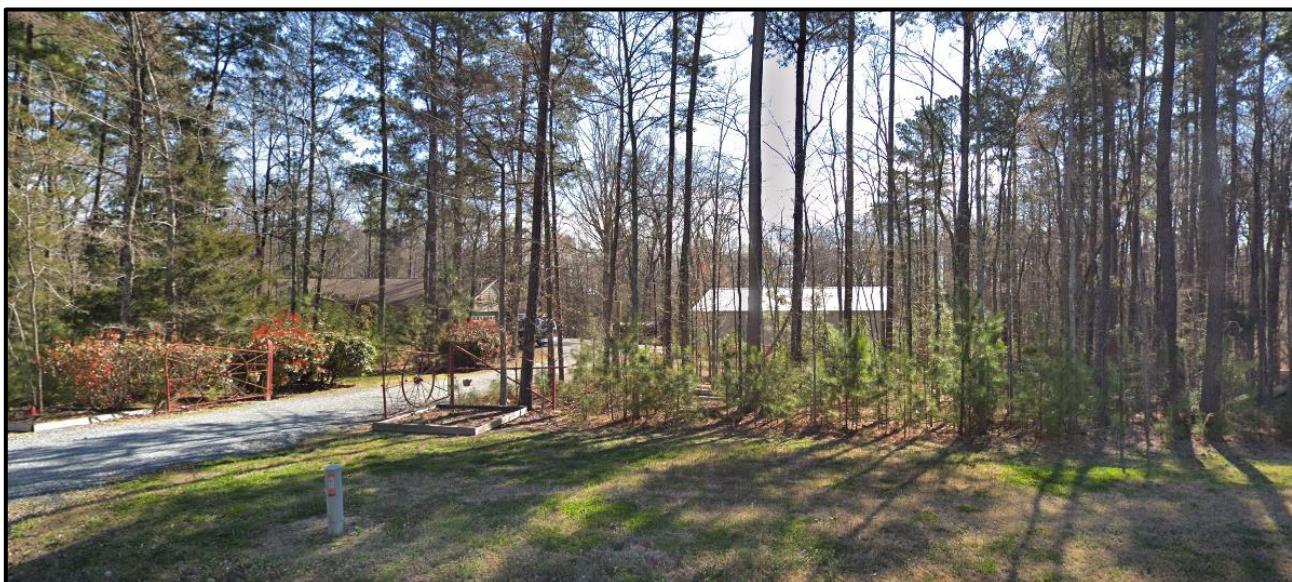
- Existing Zoning and Land Use



The subject site is currently zoned R-3. The surround land uses include single family homes, multi-family apartments and undeveloped land.



The subject property is denoted by the red star.



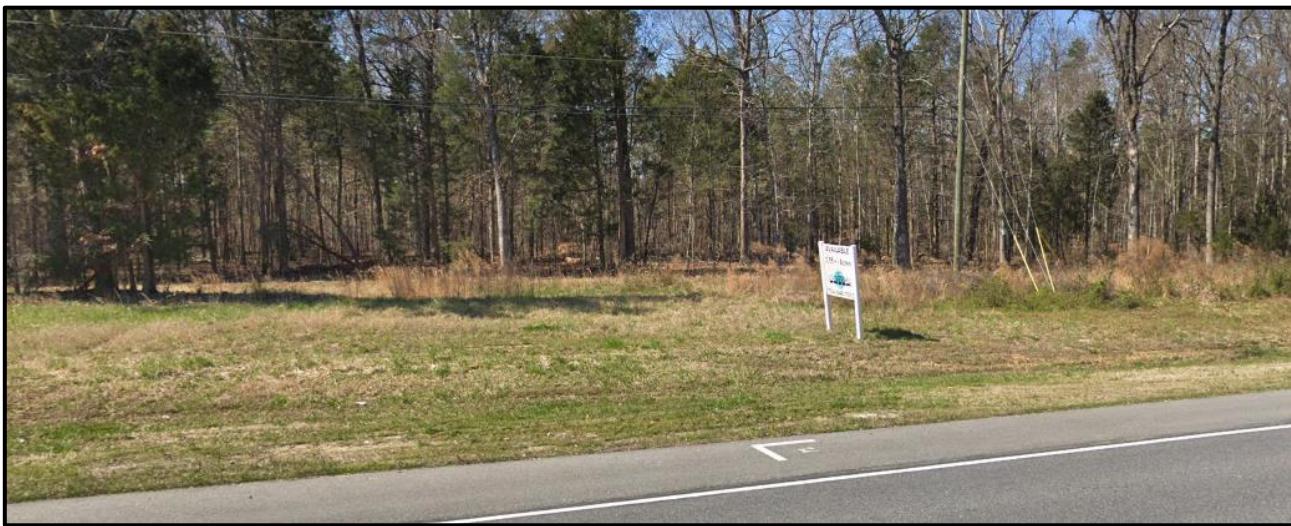
The property to the north along Beard Road is developed with single family homes.



The property to the south across Mallard Creek Road is undeveloped.

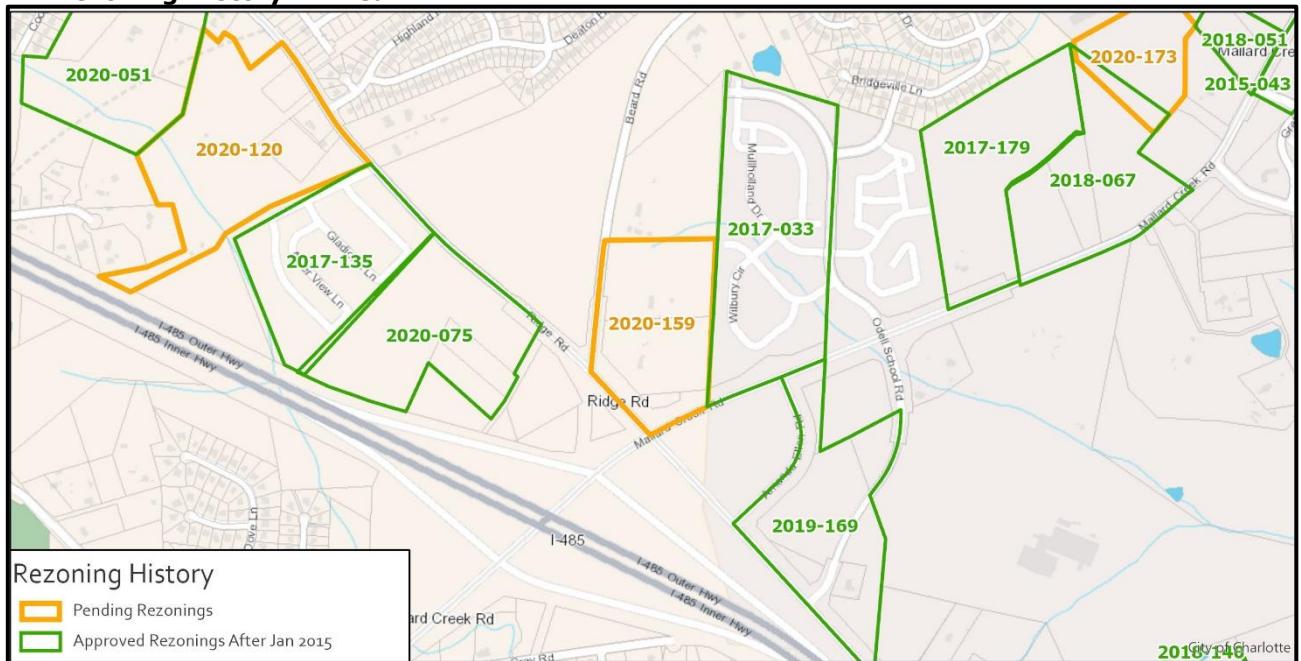


The property to the east along Odell School Road is developed with multi-family apartments.



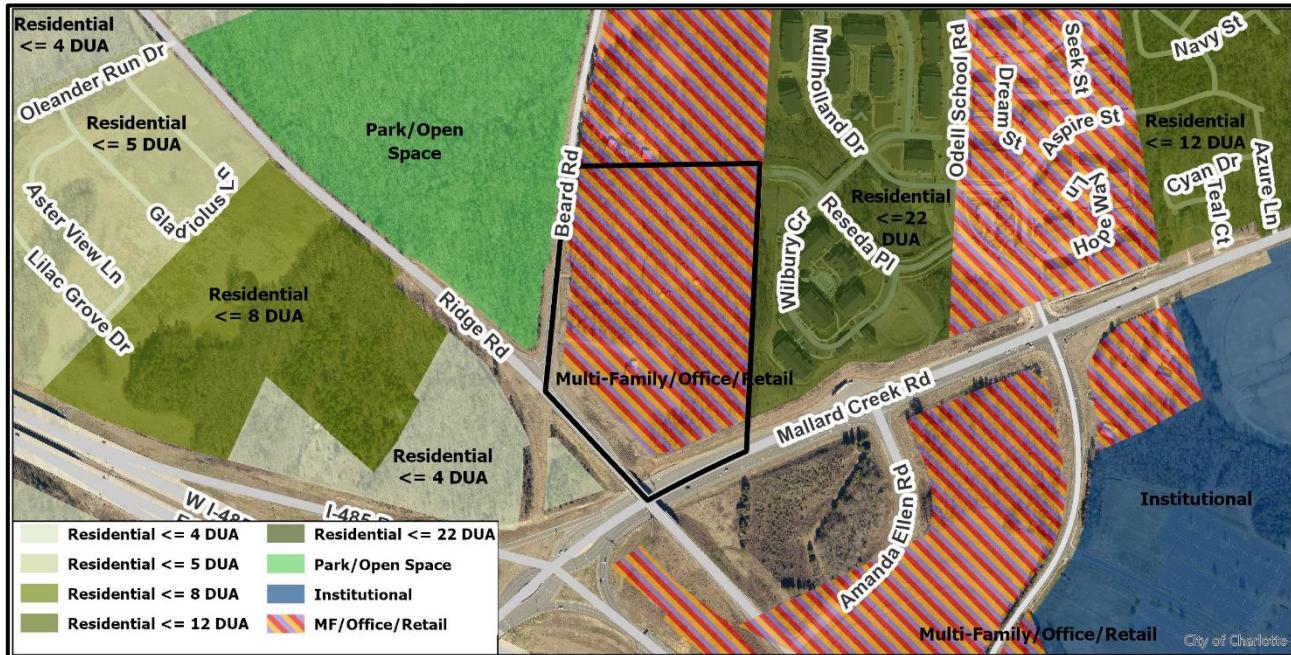
The property to the west along Ridge Road is undeveloped.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-043	Rezoned 4.98 acres to allow 20,000 square-feet of commercial uses with one accessory drive-through window.	Approved
2017-033	Rezoned 29.01 acres to modify a conditional site plan note to allow up to 322 multi-family units.	Approved
2017-135	Rezoned 20.54 acres to allow up to 102 multi-family units.	Approved
2017-179	Rezoned 19.52 acres to allow up to 234 multi-family units.	Approved
2018-051	Rezoned 3.72 acres to allow a car wash and fuel pumps.	Approved
2018-067	Rezoned 18.06 acres to allow up to 186 townhomes.	Approved
2019-169	Rezoned 15.9 acres to allow up to 280 multi-family units.	Approved
2020-051	Rezoned 21.9 acres to allow up to 98 townhomes.	Approved
2020-075	Rezoned 19.6 acres to allow up to 139 townhomes.	Approved
2020-120	Proposes to rezone 24.74 acres to allow up to 108 townhomes.	Pending
2020-173	Proposes to rezone 9.3 acres to allow up to 150 senior multi-family units.	Pending

- Public Plans and Policies**



- The Northeast Area Plan (2000) calls for multi-family/office/retail for the site up to 12+ DUA.
- TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained, major thoroughfare road (Mallard Creek Road). While a Traffic Impact Study (TIS) is not triggered for this site, in accordance with the policies in the Transportation Action Plan (TAP) and Vision Zero principles, the petitioner has committed to improving the Beard Rd & Ridge Rd. intersection with added safety measures of incorporating a multi-way stop, to account for the proposed increase in residential units from 43 single-family units (480 daily vehicle trips) to 325 multi-family units (1,770 daily vehicle trips). The review of this petition was conducted in partnership with NCDOT to align with their separate permitting process. The petitioner will install 8-foot sidewalks and 8-foot planting strips along Resada Place and Beard Road, in addition to constructing a right-turn lane on Beard Road. An 8-foot planting strip and 12-foot shared-use path will be constructed along Ridge Road, in accordance with Charlotte BIKES. The petitioner will coordinate with CDOT and NCDOT to establish a network between the proposed shared-use path within this rezoning petition to the proposed multi-modal network that is included within the NCDOT TIP #U-6032 project on Mallard Creek Road. All outstanding issues are addressed.
  - Active Projects:**
    - Mallard Creek Road Widening (NCDOT TIP U-6032) – Source: NCDOT Amended STIP: 12/2020
    - Widen Mallard Creek Road to 6 lanes from I-485 to Concord Mills Boulevard.
    - ROW acquisition in 2022; construction in 2025 – schedule subject to delay
    - On hold; pending FHWA approval

- Transportation Considerations**

~~See Outstanding Issues, Notes 1-9. Addressed~~

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on 2 single family dwellings).

Entitlement: 480 trips per day (based on 43 single family dwellings).

Proposed Zoning: 1,770 trips per day (based on 325 apartments).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 22 students, while the development allowed under the proposed zoning may produce 40 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 18 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 80% to 83%.
    - Ridge Road Middle maintains at 126%.
    - Mallard Creek High from 123% to 124%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Beard Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Beard Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## **OUTSTANDING ISSUES**

### Transportation

1. Add the proposed site plan improvements to the conditional notes. Revise site plan and conditional note(s) to commit to construct the required 8-foot planting strip and suggested 12-foot shared-use path, in lieu of the ordinance required 8-foot sidewalk, along Ridge Road and Mallard Creek Road. While an 8-foot sidewalk is required per Chapters 19 and 20 of the City Code, CDOT requests the 12-foot shared-use path in accordance with the Charlotte BIKE Plan. **Addressed**
2. Add the proposed site plan improvements to the conditional notes. In accordance with Charlotte Land Development Standards Manual (CLDSM) std. no. U-07 Local Collector Street Typical Section, revise site plan and conditional note(s) to commit to dedicate 36 ft of right-of-way from the Beard Road centerline. Label and dimension the right-of-way from the road centerline. **Addressed**
3. The proposed dwelling units exceeds 12 per acre. Per Chapter 20 Subdivision ordinance, site plan and conditional note(s) revisions are needed to commit to construct an 8-foot planting strip and 8-foot sidewalk along Beard Road. The wider sidewalk also meets the Charlotte WALKS Policy. **Addressed**
4. Add the proposed site plan improvements to the conditional notes. In coordination with NCDOT, site plan and conditional note(s) revisions are needed to redesign the proposed private Allgood Street intersection with Beard Road, to accommodate 1 ingress and 2 egress lanes, with a northbound right turn lane on Beard Road, designed to NCDOT standards, with 100-foot storage and 100-ft taper, unless otherwise required by NCDOT. Please show the existing striping on Beard Road on the site plan for reference. **Addressed**
5. Include the public cross-access easement with a recorded deed book and page number. Site plan and conditional note(s) revisions are needed to confirm that a street connection may be established with Reseda Place, since Reseda Place which is currently a stubbed street, east of this site, is private street. Please confirm that a public cross access easement will be recorded with the adjacent property owner or has already been obtained. **Addressed**
6. Add the proposed site plan improvements to the conditional notes. In coordination with NCDOT, site plan and conditional note(s) revisions are required to improve the existing Beard Road & Ridge Road intersection skew and sight distance issues, by re-striping and implementing a flasher indicated all-way stop controlled intersection design. **Addressed**
7. Revise conditional note Section IV.b. of the site plan specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights-of-way set at 2 feet behind back of sidewalk or shared-use path, where feasible. **Addressed**

8. Reconcile the conditional notes IV. Transportation d and XII Phasing a. Sidewalks are considered a part of transportation improvements, which are required to be completed with the first Certificate of Occupancy. **Addressed**
9. In coordination with NCDOT, site plan and conditional note(s) revisions are required to clarify the limits of NCDOT's C/A along Mallard Creek Road and Ridge Road. **Addressed**

**REQUESTED TECHNICAL REVISIONS**Land Use

10. Label 30-foot setback. **Addressed**
11. Show buffer and height restriction next to single family residential zoned property. **Addressed**
12. Revise site plan notes to show R-22MF(CD) rather than CC zoning district. **Addressed**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225

**HARMONY**  
PREPARED FOR  
**BAINBRIDGE DEVELOPMENT**

**SITE DATA**  
**ACREAGE:** 14.83 ACRES

**TOTAL UNITS:** 325

**PARKING REQUIRED:** 488 SPACES  
**PARKING PROVIDED:** 545 SPACES

NC

**TECHNICAL DATA**

REZONING PETITION NO. 2020-159

KHA PROJECT  
011236022  
DATE  
3/8/2021  
SCALE AS SHOWN

DRAWN BY  
DESIGNED BY  
CHECKED BY

200 SOUTH TRYON, SUITE 200, CHARLOTTE, NC 28202

WWW.KIMLEY-HORN.COM  
PHONE: 704-333-5131

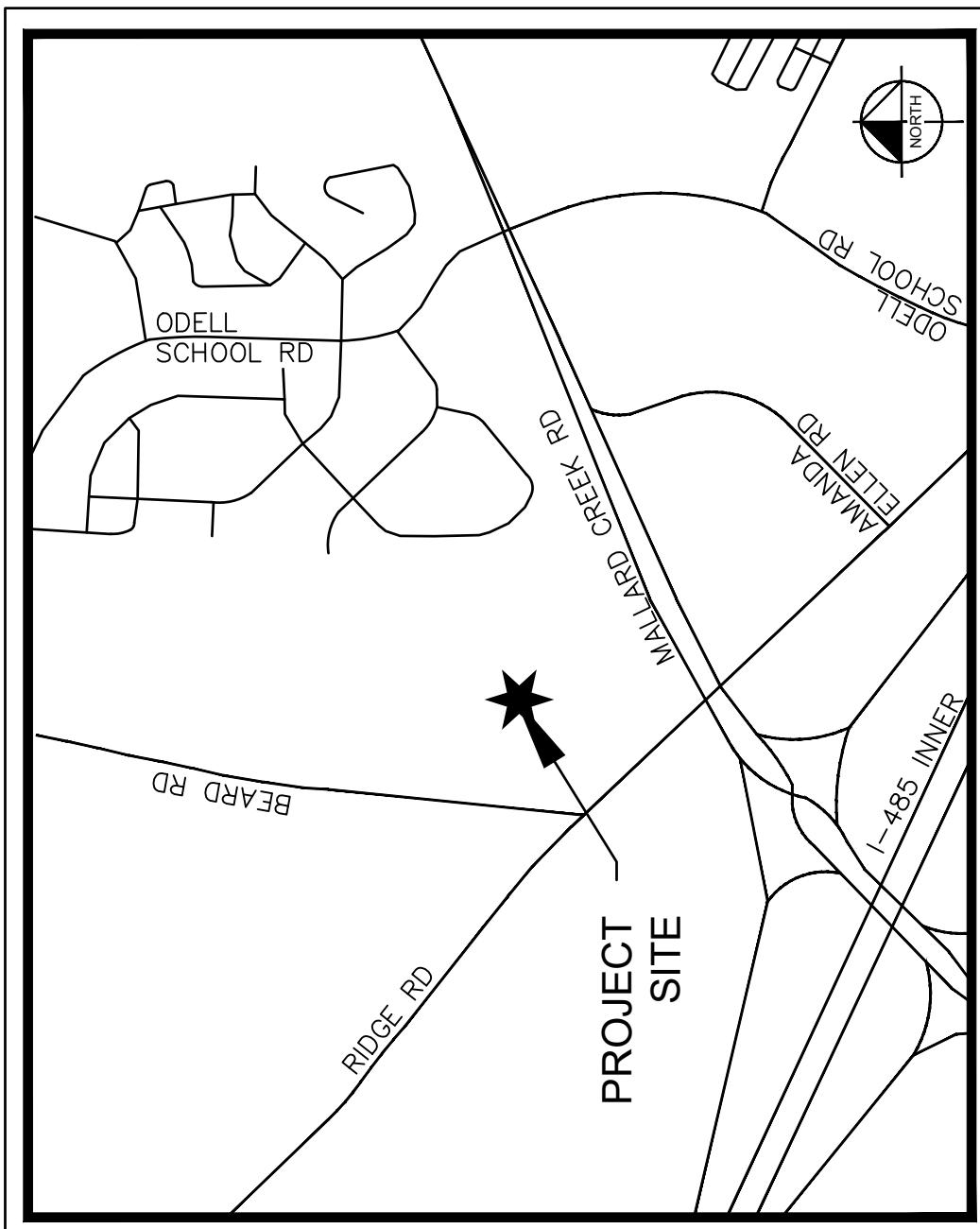
NO.

REVISIIONS

DATE

BY

**Kimley-Horn**



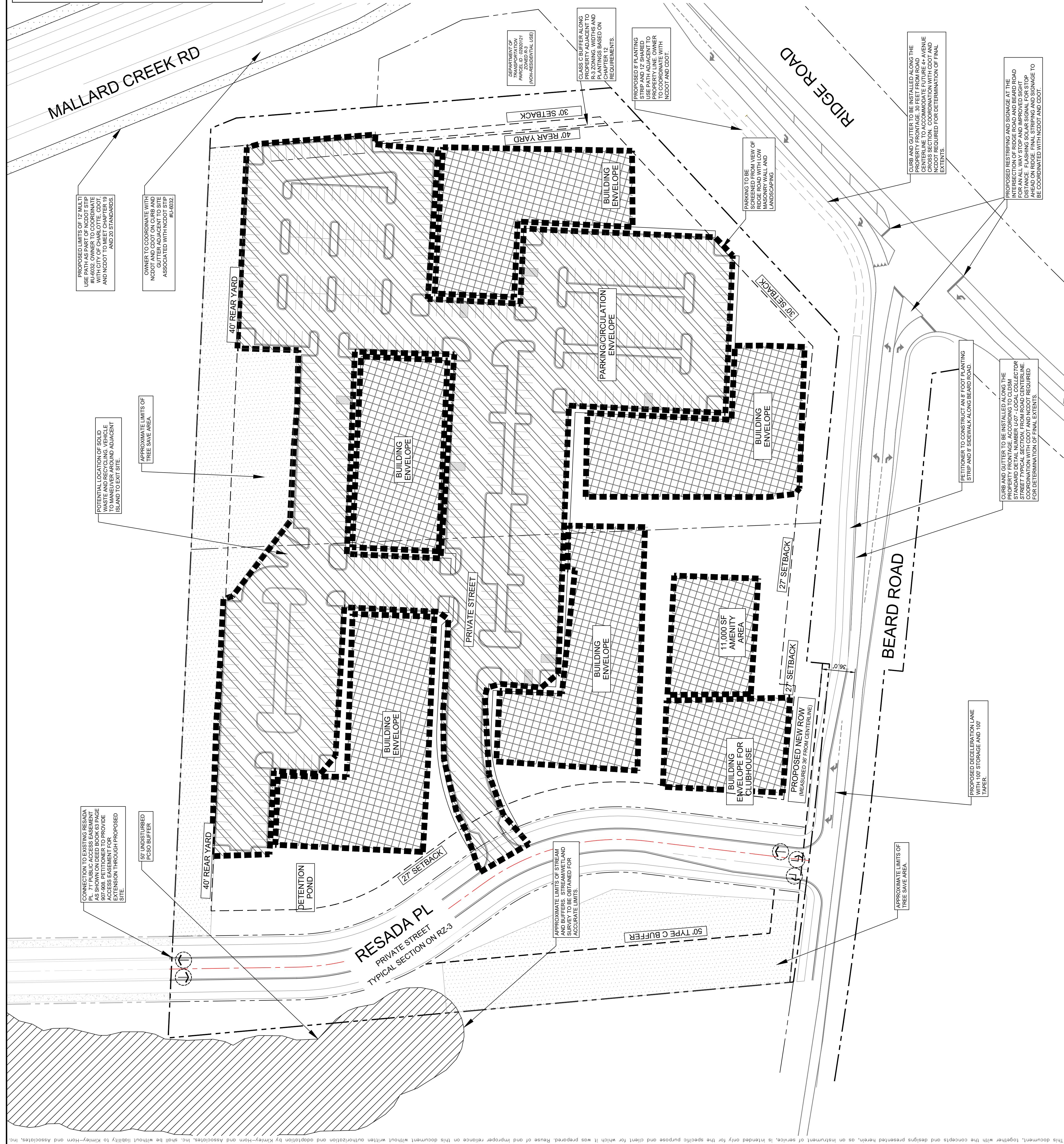
**VICINITY MAP**

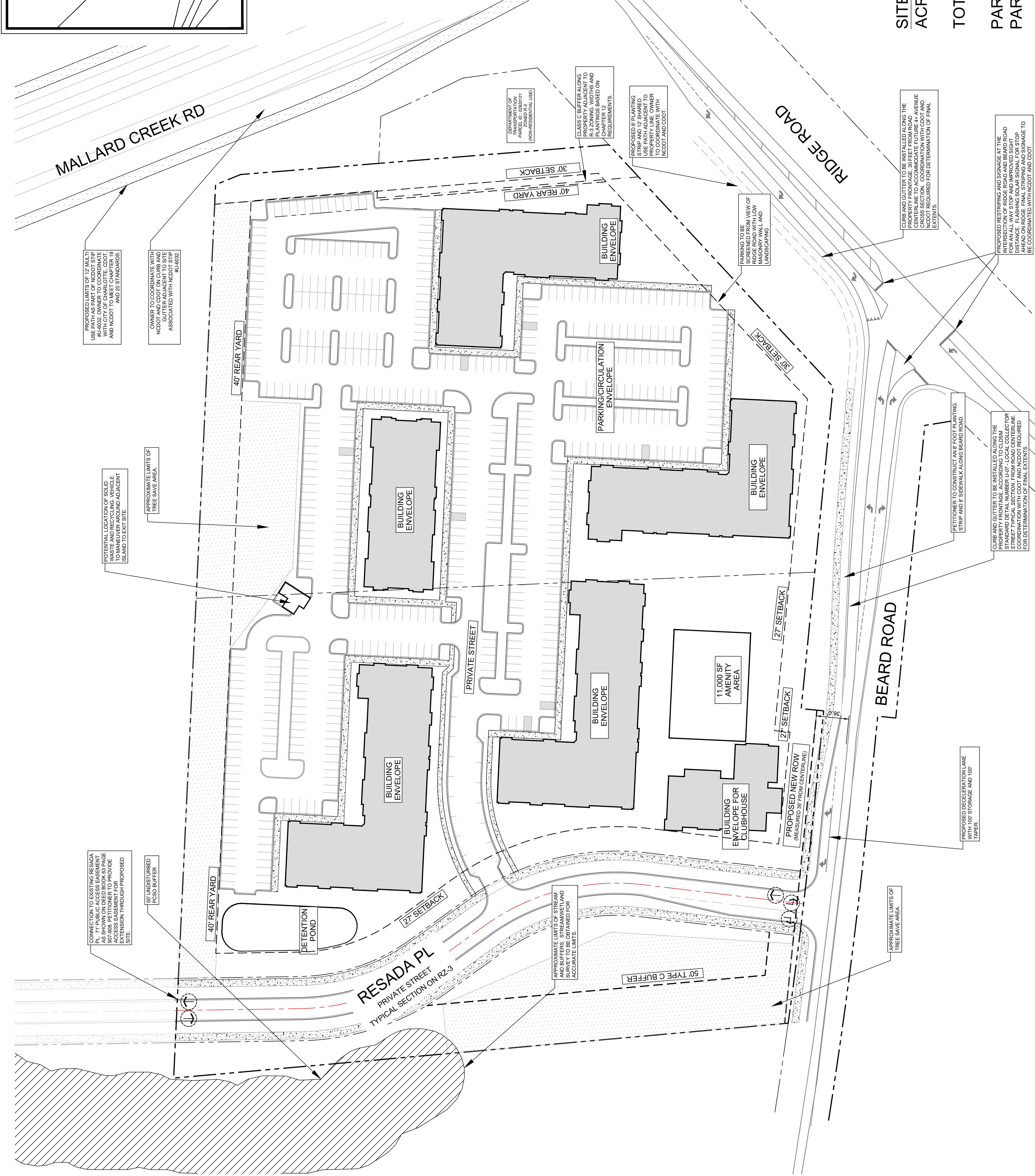
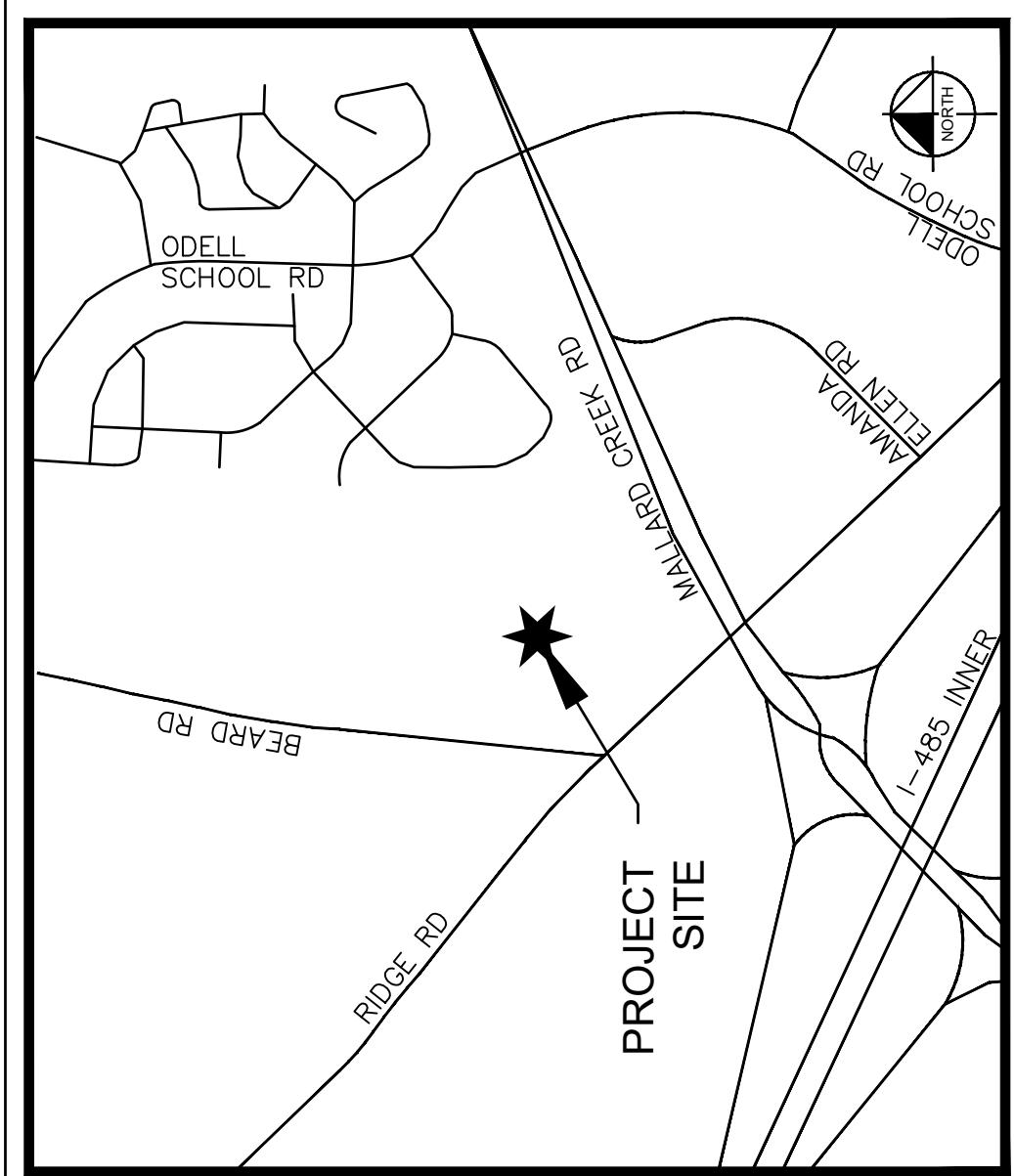
NOT TO SCALE

**LEGEND**

—	AREA OUTLINE / PROPERTY LINE
—	POTENTIAL PARKING ENVELOPE
—	POTENTIAL BUILDING ENVELOPE
—	POTENTIAL MOVEMENT ACCESS POINTS

1" = 50'  
50' 25' 0 50' 100'  
SCALE IN FEET





**SITE DATA**  
**ACREAGE:** 14.83 ACRES

**TOTAL UNITS:** 325

**PARKING REQUIRED:** 488 SPACES  
**PARKING PROVIDED:** 545 SPACES

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**DEVELOPMENT STANDARDS  
BAINBRIDGE DEVELOPMENT CORPORATION  
REZONING PETITION NO. 2020-159**

**h. ACCESS AND INTERNAL STREETS:**

1. ACCESS TO THE SITE WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.
2. THE NUMBER AND LOCATION OF INTERNAL STREETS NOT DEPICTED ON THE REZONING PLAN, SUBJECT TO APPROPRIATE GOVERNMENTAL AUTHORITIES, SUBJECT TO APPLICABLE STATUTES, ORDINANCES AND REGULATIONS SUCH AS SUBDIVISION AND DRIVEWAY REGULATIONS.
3. THE PETITIONER RESERVES THE RIGHT TO REQUEST THE INSTALLATION OF PAVERS AND/OR STAMPED OR COLORED ASPHALT WITHIN THE SITE'S PROPOSED PUBLIC OR PRIVATE STREETS IN ORDER TO DESIGNATE AND DEFINE PEDESTRIAN CROSSWALKS. THE PETITIONER WILL COORDINATE THE DESIGN OF ANY DECORATIVE PAVEMENT ELEMENTS PROPOSED WITHIN ANY PUBLIC RIGHT-OF-WAY, WITH CDOT/NCDOT DURING THE DRIVEWAY PERMIT PROCESS. FURTHERMORE, THE PETITIONER UNDERSTANDS THAT AN ENCROACHMENT AND MAINTENANCE AGREEMENT MUST BE OBTAINED FROM CDOT/NCDOT BEFORE ANY DECORATIVE PAVERS AND/OR STAMPED PAVEMENT PROPOSED IN THE PUBLIC RIGHT-OF-WAY MAY BE INSTALLED.
4. THE ALIGNMENT OF THE INTERNAL PUBLIC AND PRIVATE STREETS, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER, SUBJECT TO CDOT/NCDOT'S FINAL APPROVAL TO ACCOMMODATE MINOR CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS, AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT/NCDOT. IN ACCORDANCE WITH PUBLISHED STANDARDS AND INDUSTRY BEST PRACTICES SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.
5. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIALLY COMPLETE" FOR CERTAIN IMPROVEMENTS AS SET FORTH HEREIN SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH HEREIN PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT/NCDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDINGS ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT/NCDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.
6. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT PLANNING DIRECTOR, AND AS DEEMED APPROPRIATE. NC DOT, PROVIDED, HOWEVER, THAT THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS MUST PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.
7. ALTERNATIVE COMPLIANCE. WHILE IT IS UNDERSTOOD THAT THE IMPROVEMENTS SET FORTH ABOVE, UNLESS OTHERWISE SPECIFIED, ARE THE RESPONSIBILITY OF THE PETITIONER OR OTHER PRIVATE SECTOR ENTITY, IN EVENT THAT IT IS NECESSARY OR ADVANTAGEOUS, CDOT/NCDOT MAY, AT ITS DISCRETION, ACCEPT A FEE IN LIEU OF CONSTRUCTION OF CERTAIN IMPROVEMENTS, AS LONG AS SUCH FEE IS EQUAL TO THE FULL COST OF SAID IMPROVEMENTS (INCLUDING DESIGN, ACQUISITION AND CONSTRUCTION).

**V. DESIGN GUIDELINES:**

**a. GENERAL DESIGN GUIDELINES:**

1. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF ANY OF THE FOLLOWING: GLASS, BRICK, METAL, STONE, SIMULATED STONE, PRE-CAST STONE, ARCHITECTURAL PRECAST CONCRETE, SYNTHETIC STONE, STUCCO/E.I.S., CEMENTITIOUS SIDING (SUCH AS HARDBLANK), OR WOOD/COMPOSITE WOOD, VINYL, AS A BUILDING MATERIAL, WILL ONLY BE ALLOWED ON WINDOWS, SOFFITS AND TRIM FEATURES.

2. STREETSCAPE TREATMENT WILL BE A UNIFYING ELEMENT THROUGH THE USE OF CONSISTENT PAVING, LIGHTING, LANDSCAPING, AND, WHEN PROVIDED, SITE FURNISHINGS, THROUGHOUT THE SITE.

3. METER BANKS SHALL BE LOCATED OUTSIDE OF THE SETBACK.

4. ALL DUMPSTER ENCLOSURE AREAS SHALL BE SCREENED FROM NETWORK REQUIRED PUBLIC OR PRIVATE STREETS, COMMON OPEN SPACES AND ANY ADJACENT RESIDENTIAL USES WITH MATERIALS COMPLEMENTARY TO THE PRINCIPAL STRUCTURE.

5. TREES MAY BE PROVIDED IN GRATES OR RAISED PLANTERS RATHER THAN IN PLANTING STRIPS.

**b. DESIGN STANDARDS RELATED TO RESIDENTIAL USES:**

1. PROHIBITED EXTERIOR BUILDING MATERIALS.

1.1. VINYL SIDING (BUT NOT VINYL HANDRAILS, WINDOWS OR DOOR TRIM); AND

1.2. CONCRETE MASONRY UNITS NOT ARCHITECTURALLY FINISHED.

2. BUILDING MASSING AND HEIGHT SHALL BE DESIGNED TO BREAK UP LONG MONOLITHIC BUILDING FORMS AS FOLLOWS:

2.1. BUILDING SIDES GREATER THAN 120 FEET IN LENGTH SHALL INCLUDE MODULATIONS OF THE BUILDING MASSING/FACADE PLANE (SUCH AS RECESSES, PROJECTIONS, AND ARCHITECTURAL DETAILS). MODULATIONS SHALL BE A MINIMUM OF FIVE (5) FEET WIDE AND SHALL PROJECT OR RECESS A MINIMUM OF ONE (1) FOOT EXTENDING THROUGH AT LEAST A FULL FLOOR.

3. ARCHITECTURAL ELEVATION DESIGN - ELEVATIONS SHALL BE DESIGNED TO CREATE VISUAL INTEREST AS FOLLOWS:

3.1. BUILDING ELEVATIONS SHALL BE DESIGNED WITH VERTICAL BAYS OR ARTICULATED ARCHITECTURAL FACADE FEATURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO A COMBINATION OF EXTERIOR WALL OFFSETS, PROJECTIONS, RECESSES, PILASTERS, BANDING AND CHANGE IN MATERIALS OR COLORS.

4. ROOF FORM AND ARTICULATION - ROOF FORM AND LINES SHALL BE DESIGNED TO AVOID THE APPEARANCE OF A LARGE MONOLITHIC ROOF STRUCTURE AS FOLLOWS:

4.1. LONG PITCHED OR FLAT ROOF LINES SHALL AVOID CONTINUOUS EXPANSES WITHOUT VARIATION BY INCLUDING CHANGES IN HEIGHT AND/OR ROOF FORM, TO INCLUDE BUT NOT BE LIMITED TO GABLES, HIPS DORMERS OR PARAPETS.

**c. TRANSPORTATION:**

a. PETITIONER SHALL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN, INCLUDING THE AREA 36' FROM THE CENTERLINE OF BEARD ROAD ALONG THE PARCEL BOUNDARY, AS RIGHT-OF-WAY TO BE DEDICATED. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OF THE FIRST BUILDING. THE PETITIONER WILL PROVIDED A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

b. ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE OR NC DOT, WHICHEVER IS APPLICABLE AT THE TIME OF DEDICATION, WILL BE DEDICATED UPON BY NC DOT, CDOT AND THE PETITIONER AS PART OF THE NC DOT DRIVEWAY PERMIT AND PLANS FOR ANY ROAD IMPROVEMENTS OR SIGNAL WORK WILL BE APPROVED WITH THE PERMIT APPLICATION.

c. THE SITE DOES NOT REQUIRE A TRAFFIC IMPACT ANALYSIS (TIA) FROM NC DOT OR CDOT POLICY. THEREFORE, ACCESS TO THE PUBLIC FACILITIES, ACCESS TYPE, LOCATION AND REQUIRED MITIGATION MEASURES FOR DRIVEWAY ACCESS\* GUIDELINES, ACCESS TYPE, LOCATION AND REQUIRED MITIGATION MEASURES FOR SAID ACCESS WILL BE MUTUALLY AGREED UPON BY NC DOT, CDOT AND THE PETITIONER AS PART OF THE NC DOT DRIVEWAY PERMIT AND PLANS FOR ANY ROAD IMPROVEMENTS OR SIGNAL WORK WILL BE APPROVED WITH THE PERMIT APPLICATION.

d. THE PETITIONER SHALL SUBSTANTIALLY COMPLETE ALL TRANSPORTATION IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY UNLESS OTHERWISE STATED HEREIN.

e. IN COORDINATION WITH NC DOT AND CDOT, PETITIONER TO PROVIDE 1-INGRESS AND 2-EGRESS LANES AT THE INTERSECTION OF RESADA PLACE AND BEARD ROAD. PETITIONER TO ALSO CONSTRUCT A NORTHBOUND RIGHT-TURN LANE ON BEARD ROAD, DESIGNED TO NC DOT STANDARDS, WITH 100-Foot STORAGE AND 100-Ft TAPER, UNLESS OTHERWISE REQUIRED BY NC DOT.

f. ACCESS TO THE PARCEL TO THE EAST VIA RESADA PLACE PROVIDED ON ACCESS EASEMENT SHOWN THROUGH THE PROPOSED SITE AND PROVIDE AN ACCESS EASEMENT FOR THE USE OF THE PRIVATE STREET.

g. PETITIONER TO COORDINATE WITH NC DOT TO IMPROVE THE INTERSECTION OF BEARD ROAD AND RIDGE ROAD BY CONVERTING THE INTERSECTION TO AN ALL-WAY STOP CONTROLLED INTERSECTION. PETITIONER TO PROVIDE RESTRIPPING AND IMPLEMENT NEW SIGNAGE FOR THE PROPOSED CONDITION.

**h. ACCESS AND INTERNAL STREETS:**

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**i. GENERAL PROVISIONS:**

- a. SITE DESCRIPTION. THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET FORM THE REZONING PLAN (HEREAFTER COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY BAINBRIDGE DEVELOPMENT CORPORATION ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 14.6-ACRE SITE LOCATED AT THE EASTERN CORNER OF THE INTERSECTION OF RIDGE ROAD AND BEARD ROAD, MORE PARTICULARLY DESCRIBED AS MECKLENBURG COUNTY TAX PARCEL NUMBERS 029-201-0 AND 029-201-09 (THE "SITE").
- b. INTENT. THIS REZONING IS INTENDED TO ACCOMMODATE DEVELOPMENT ON THE SITE OF A RESIDENTIAL COMMUNITY AND INTERNAL PRIVATE STREET NETWORK THROUGH THE SITE THAT WILL ALLOW PEDESTRIAN, CYCLIC AND AUTOMOBILE TRAFFIC TO TRAVEL THROUGH THE SITE AND TO EVENTUAL FUTURE DEVELOPMENT OF SURROUNDED PARCELS AS PART OF A MIXED-USE DESTINATION. FUTURE DEVELOPMENT TAKING PLACE ON THE SITE.
- c. ZONING ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE MECKLENBURG COUNTY ZONING ORDINANCE (THE "ORDINANCE").
- UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-22MF (CD) ZONING DISTRICT SHALL GOVERN ALL INTERNAL STREETS AND OTHER SIMILAR ZONING STANDARDS.
- d. PLANNED/UNIFIED DEVELOPMENT. THE SITE SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN, AS SUCH, SETBACKS, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ELEMENTS LOCATED ON THE SITE.
- e. PLANNED/UNIFIED DEVELOPMENT. THE SITE SHALL BE GOVERNED BY THE REZONING PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN, AS SUCH, SETBACKS, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ELEMENTS LOCATED ON THE SITE.
- f. THE PRINCIPAL BUILDINGS CONSTRUCTED MAY BE DEVELOPED WITH UP TO 325 MULTI-FAMILY RESIDENTIAL UNITS, ALONG WITH ANY ACCESSORY USES ALLOWED IN THE R-22MF (CD) ZONING DISTRICT.
- g. ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE OR NC DOT, WHICHEVER IS APPLICABLE AT THE TIME OF DEDICATION, WILL BE DEDICATED UPON BY NC DOT, CDOT AND THE PETITIONER AS PART OF THE NC DOT DRIVEWAY PERMIT AND PLANS FOR ANY ROAD IMPROVEMENTS OR SIGNAL WORK WILL BE APPROVED WITH THE PERMIT APPLICATION.
- h. THE SITE TO BE INTEGRATED WITH A BROADER MIXED-USE DEVELOPMENT (INDIVIDUALLY, "LOTS").
- i. THE PRINCIPAL BUILDINGS CONSTRUCTED MAY BE DEVELOPED WITH UP TO 325 MULTI-FAMILY RESIDENTIAL UNITS, ALONG WITH ANY ACCESSORY USES ALLOWED IN THE R-22MF (CD) ZONING DISTRICT.

**IV. TRANSPORTATION**

- a. PETITIONER SHALL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN, INCLUDING THE AREA 36' FROM THE CENTERLINE OF BEARD ROAD ALONG THE PARCEL BOUNDARY, AS RIGHT-OF-WAY TO BE DEDICATED. THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OF THE FIRST BUILDING. THE PETITIONER WILL PROVIDED A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.
- b. ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE OR NC DOT, WHICHEVER IS APPLICABLE AT THE TIME OF DEDICATION, WILL BE DEDICATED UPON BY NC DOT, CDOT AND THE PETITIONER AS PART OF THE NC DOT DRIVEWAY PERMIT AND PLANS FOR ANY ROAD IMPROVEMENTS OR SIGNAL WORK WILL BE APPROVED WITH THE PERMIT APPLICATION.
- c. THE SITE DOES NOT REQUIRE A TRAFFIC IMPACT ANALYSIS (TIA) FROM NC DOT OR CDOT POLICY. THEREFORE, ACCESS TO THE PUBLIC FACILITIES, ACCESS TYPE, LOCATION AND REQUIRED MITIGATION MEASURES FOR DRIVEWAY ACCESS\* GUIDELINES, ACCESS TYPE, LOCATION AND REQUIRED MITIGATION MEASURES FOR SAID ACCESS WILL BE MUTUALLY AGREED UPON BY NC DOT, CDOT AND THE PETITIONER AS PART OF THE NC DOT DRIVEWAY PERMIT AND PLANS FOR ANY ROAD IMPROVEMENTS OR SIGNAL WORK WILL BE APPROVED WITH THE PERMIT APPLICATION.
- d. THE PETITIONER SHALL SUBSTANTIALLY COMPLETE ALL TRANSPORTATION IMPROVEMENTS PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY UNLESS OTHERWISE STATED HEREIN.
- e. IN COORDINATION WITH NC DOT AND CDOT, PETITIONER TO PROVIDE 1-INGRESS AND 2-EGRESS LANES AT THE INTERSECTION OF RESADA PLACE AND BEARD ROAD, DESIGNED TO NC DOT STANDARDS, WITH 100-Foot STORAGE AND 100-Ft TAPER, UNLESS OTHERWISE REQUIRED BY NC DOT.
- f. ACCESS TO THE PARCEL TO THE EAST VIA RESADA PLACE PROVIDED ON ACCESS EASEMENT SHOWN THROUGH THE PROPOSED SITE AND PROVIDE AN ACCESS EASEMENT FOR THE USE OF THE PRIVATE STREET.
- g. PETITIONER TO COORDINATE WITH NC DOT TO IMPROVE THE INTERSECTION OF BEARD ROAD AND RIDGE ROAD BY CONVERTING THE INTERSECTION TO AN ALL-WAY STOP CONTROLLED INTERSECTION. PETITIONER TO PROVIDE RESTRIPPING AND IMPLEMENT NEW SIGNAGE FOR THE PROPOSED CONDITION.

**h. ACCESS AND INTERNAL STREETS:**

1. ACCESS TO THE SITE WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.
2. THE NUMBER AND LOCATION OF INTERNAL STREETS NOT DEPICTED ON THE REZONING PLAN, SUBJECT TO APPROPRIATE GOVERNMENTAL AUTHORITIES, SUBJECT TO APPLICABLE STATUTES, ORDINANCES AND REGULATIONS SUCH AS SUBDIVISION AND DRIVEWAY REGULATIONS.
3. THE PETITIONER RESERVES THE RIGHT TO REQUEST THE INSTALLATION OF PAVERS AND/OR STAMPED OR COLORED ASPHALT WITHIN THE SITE'S PROPOSED PUBLIC OR PRIVATE STREETS IN ORDER TO DESIGNATE AND DEFINE PEDESTRIAN CROSSWALKS. THE PETITIONER WILL COORDINATE THE DESIGN OF ANY DECORATIVE PAVEMENT ELEMENTS PROPOSED WITHIN ANY PUBLIC RIGHT-OF-WAY, WITH CDOT/NCDOT DURING THE DRIVEWAY PERMIT PROCESS. FURTHERMORE, THE PETITIONER UNDERSTANDS THAT AN ENCROACHMENT AND MAINTENANCE AGREEMENT MUST BE OBTAINED FROM CDOT/NCDOT BEFORE ANY DECORATIVE PAVERS AND/OR STAMPED PAVEMENT PROPOSED IN THE PUBLIC RIGHT-OF-WAY MAY BE INSTALLED.
4. THE ALIGNMENT OF THE INTERNAL PUBLIC AND PRIVATE STREETS, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER, SUBJECT TO CDOT/NCDOT'S FINAL APPROVAL TO ACCOMMODATE MINOR CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS, AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT/NCDOT. IN ACCORDANCE WITH PUBLISHED STANDARDS AND INDUSTRY BEST PRACTICES SO LONG AS THE STREET NETWORK SET FORTH ON THE REZONING PLAN IS NOT MATERIALLY ALTERED.
5. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIALLY COMPLETE" FOR CERTAIN IMPROVEMENTS AS SET FORTH HEREIN SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH HEREIN PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT/NCDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDINGS ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT/NCDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.
6. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT PLANNING DIRECTOR, AND AS DEEMED APPROPRIATE. NC DOT, PROVIDED, HOWEVER, THAT THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS MUST PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.
7. ALTERNATIVE COMPLIANCE. WHILE IT IS UNDERSTOOD THAT THE IMPROVEMENTS SET FORTH ABOVE, UNLESS OTHERWISE SPECIFIED, ARE THE RESPONSIBILITY OF THE PETITIONER OR OTHER PRIVATE SECTOR ENTITY, IN EVENT THAT IT IS NECESSARY OR ADVANTAGEOUS, CDOT/NCDOT MAY, AT ITS DISCRETION, ACCEPT A FEE IN LIEU OF CONSTRUCTION OF CERTAIN IMPROVEMENTS, AS LONG AS SUCH FEE IS EQUAL TO THE FULL COST OF SAID IMPROVEMENTS (INCLUDING DESIGN, ACQUISITION AND CONSTRUCTION).

**i. GENERAL PROVISIONS:**

- a. SITE DESCRIPTION. THESE DEVELOPMENT STANDARDS AND THE TECHNICAL DATA SHEET FORM THE REZONING PLAN (HEREAFTER COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY BAINBRIDGE DEVELOPMENT CORPORATION ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 14.6-ACRE SITE LOCATED AT THE EASTERN CORNER OF THE INTERSECTION OF RIDGE ROAD AND BEARD ROAD, MORE PARTICULARLY DESCRIBED AS MECKLENBURG COUNTY TAX PARCEL NUMBERS 029-201-0 AND 029-201-09 (THE "SITE").
- b. INTENT. THIS REZONING IS INTENDED TO ACCOMMODATE DEVELOPMENT ON THE SITE OF A RESIDENTIAL COMMUNITY AND INTERNAL PRIVATE STREET NETWORK THROUGH THE SITE THAT WILL ALLOW PEDESTRIAN, CYCLIC AND AUTOMOBILE TRAFFIC TO TRAVEL THROUGH THE SITE AND TO EVENTUAL FUTURE DEVELOPMENT OF SURROUNDED PARCELS AS PART OF A MIXED-USE DESTINATION. FUTURE DEVELOPMENT TAKING PLACE ON THE SITE.
- c. ZONING ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE MECKLENBURG COUNTY ZONING ORDINANCE (THE "ORDINANCE").
- UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-22MF (CD) ZONING DISTRICT SHALL GOVERN ALL INTERNAL STREETS AND OTHER SIMILAR ZONING STANDARDS.
- d. PLANNED/UNIFIED DEVELOPMENT. THE SITE SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN, AS SUCH, SETBACKS, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ELEMENTS LOCATED ON THE SITE.
- e. PLANNED/UNIFIED DEVELOPMENT. THE SITE SHALL BE GOVERNED BY THE REZONING PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN, AS SUCH, SETBACKS, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, AND OTHER SIMILAR ELEMENTS LOCATED ON THE SITE.
- f. THE PRINCIPAL BUILDINGS CONSTRUCTED MAY BE DEVELOPED WITH UP TO 325 MULTI-FAMILY RESIDENTIAL UNITS, ALONG WITH ANY ACCESSORY USES ALLOWED IN THE R-22MF (CD) ZONING DISTRICT.
- g. ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE OR NC DOT



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 11. **File #:** 15-15562 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-168 by The Building Agency, LLC**

**Location:** Approximately 1.572 acres located off Arnold Drive, east of Eastway Drive and west of Kilborne Park in the Markham Village neighborhood. (Council District 1 - Egleston)

**Current Zoning:** R-4 (single-family residential)

**Proposed Zoning:** R-8 (CD) (single-family residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-68**

**March 30, 2021**

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**REQUEST**

Current Zoning: R-4 (residential)

Proposed Zoning: R-8(CD) (residential, conditional)

**LOCATION**

Approximately 1.572 acres located off Arnold Drive, east of Eastway Drive and West of Kilborne Park in the Markham Village neighborhood.

(Council District 1 - Egleston)

**PETITIONER**

Thom Miller

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Eastland Area Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family uses up to four dwelling units per acre (DUA) for the site.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The overall density request (4.45 DUA) is only marginally higher than the recommended density for the site (4 DUA).
- While slightly higher than the recommended density, a request of 4.45 DUA is an appropriate transition between areas of lower density to the East and areas of higher density to the West, along Eastway Drive.
- The proposed housing is consistent with the overall context of the surrounding neighborhood.
- This petition proposes residential uses, and the Eastland Area Plan recognizes a need for protecting existing neighborhoods from non-residential encroachment.

The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan from single family uses up to four DUA to residential uses up to five DUA for the site.

Motion/Second: Barbee / Blumenthal  
Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton  
Nays: None  
Absent: McMillan  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Additionally, staff noted that the petitioner is willing and able to address all remaining outstanding issues regarding setbacks, landscaping around the proposed SCM, and tree save.

There was no further discussion of this petition.

**PLANNER**

William Linville (704) 336-4090

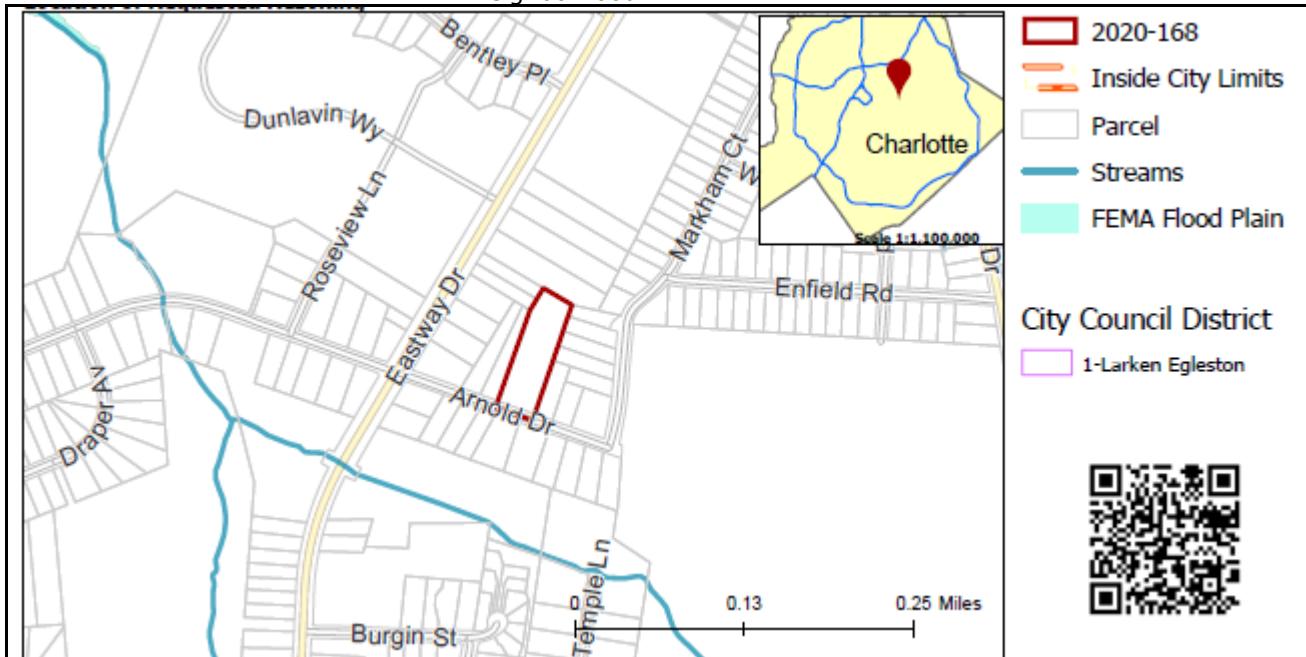
**REQUEST**

Current Zoning: R-4 (residential)

Proposed Zoning: R-8 (CD) (residential, conditional)

**LOCATION**

Approximately 1.572 acres located off Arnold Drive, east of Eastway Drive and west of Kilborne Park in the Markham Village neighborhood



**SUMMARY OF PETITION**

The petition proposes to redevelop a single lot containing one single family detached residence to permit the construction of up to seven detached residential units at a density of 4.45 dwelling units per acre.

**PROPERTY OWNER**

Raleigh Cline

**PETITIONER**

Thom Miller

**AGENT/REPRESENTATIVE**

Thom Miller, The Building Agency

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Virtual Community Meeting:

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Eastland Area Plan's* (2003) recommendation for single family uses up to four dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The overall density request (4.45 DUA) is only marginally higher than the recommended density for the site (4 DUA).
- While slightly higher than the recommended density, a request of 4.45 DUA is an appropriate transition between areas of lower density to the East and areas of higher density to the West, along Eastway Drive.
- The proposed housing is consistent with the overall context of the surrounding neighborhood.

- This petition proposes residential uses, and the Eastland Area Plan recognizes a need for protecting existing neighborhoods from non-residential encroachment.

The approval of this petition will revise the adopted future land use as specified by the *Eastland Area Plan* from single family uses up to four DUA to residential uses up to five DUA for the site.

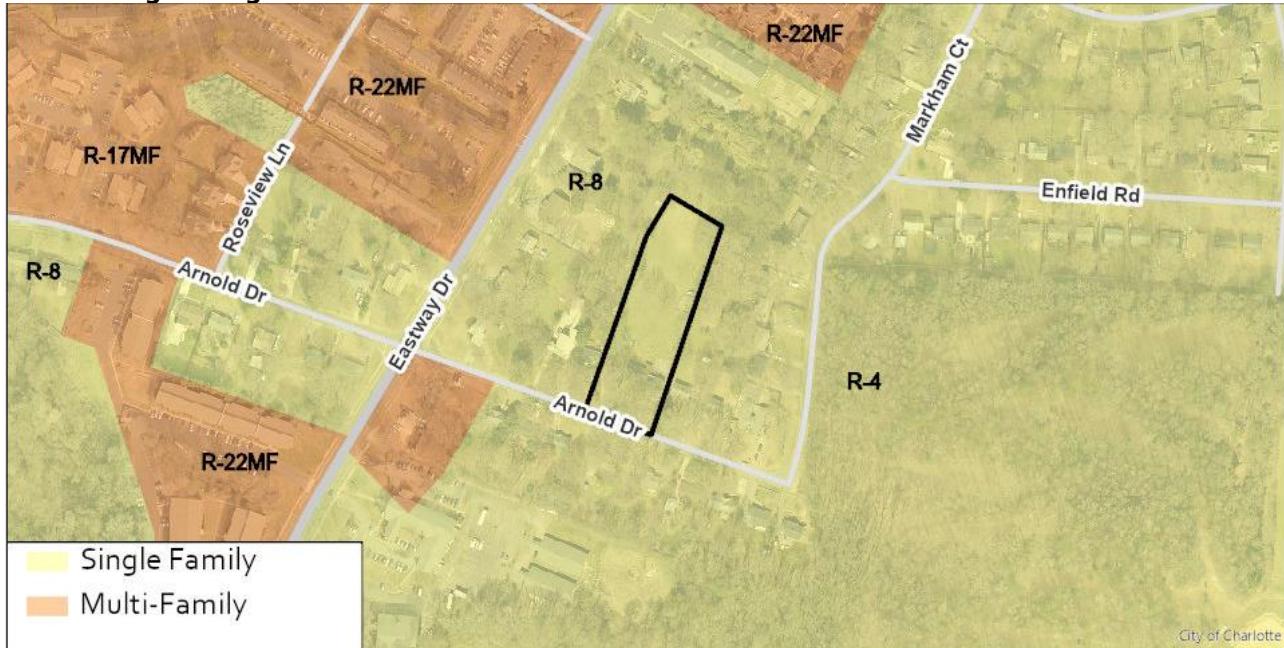
## PLANNING STAFF REVIEW

### • Proposed Request Details

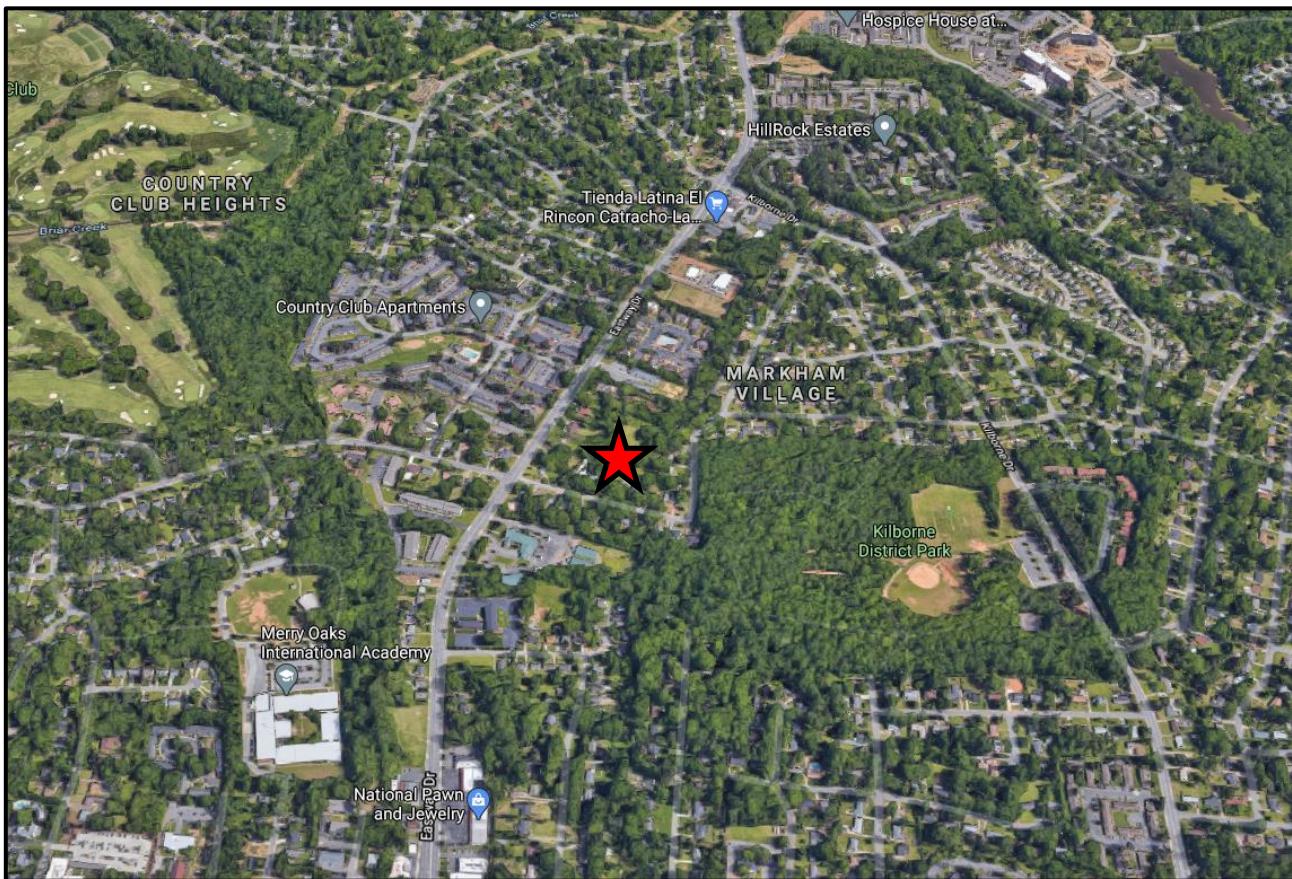
The site plan accompanying this petition contains the following provisions:

- Proposes to subdivide into 7 lots to permit the construction of no more than 7 single family detached homes.
- Transportation improvements including curb and gutter along the site's frontage with Arnold Drive along with an 8-foot planting strip and 6-foot sidewalk.
- Access to the proposed lots shall be from a newly-constructed public street.
- Commits to enhanced architectural standards including:
  - The construction of walkways from all residential entrances to sidewalks.
  - Raised entrances provided for any entrance within 15 feet of a sidewalk.
  - Usable porches/stoops with a min. depth of 6 feet.
- Full-cutoff detached lighting with a max. height of 21 feet.
- Proposes a stormwater control measure (e.g. detention pond) against the site's frontage with Arnold Drive.

### • Existing Zoning and Land Use



There have been no historical rezonings of the site. The subject property is surrounded by detached single family homes east of Eastway Drive while multi-family units are the predominant housing type west of Eastway Drive. A large portion of the eastern frontage along Eastway Drive was rezoned to R-8 in 2003.



General location of subject property denoted by red star.



Looking north along Arnold Drive toward the subject property. This photo provides a general context of the types of homes located nearby.



Looking SE down toward the subject property. The general location of the site boundary is illustrated with a pink dotted line.

- **Rezoning History in Area**



There have been no recent rezonings proximal to the subject boundary.

- Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single family uses at up to four DUA for the site.

- TRANSPORTATION SUMMARY**

- The site is located on a City-maintained, minor collector [Arnold Drive]. The site plan commits to installing a public street with pedestrian facilities in accordance with Chapter 20 (Subdivision Ordinance) and CLDSM standards. Site plan also commits to dedicating 25.5 feet of right-of-way from the Arnold Drive centerline and installing curb and gutter per chapter 20 (Subdivision Ordinance). All outstanding CDOT comments have been successfully addressed.

- Active Projects:**

- N/A

- Transportation Considerations**

- No outstanding issues.

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one dwelling).

Entitlement: 60 trips per day (based on six dwellings).

Proposed Zoning: 95 trips per day (based on seven dwellings).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Fire Department:** No outstanding issues.
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate three students, while the development allowed under the proposed zoning may produce four students. Therefore, the net increase in the number of students generated from existing zoning to proposed is one student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Merry Oaks International Academy remains at 76%
    - Eastway Middle remains at 118%
    - Garinger High from remains at 122%.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Arnold Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Arnold Drive. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## **OUTSTANDING ISSUES**

### Transportation

1. Curb and gutter needs to be installed at 17.5 feet from the centerline along Arnold Drive. Please label and dimension the curb and gutter from the centerline of each road to the back of curb on the site plan. **ADDRESSED**
2. Revise site plan and conditional notes to commit to dedicating 25.5 feet of right of way, to be measured from the road centerline. Label and dimension the ROW from the road centerline. **ADDRESSED**
3. Please add a site plan note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is needed. CDOT requests ROW set at 2 foot behind back of sidewalk where feasible. **ADDRESSED**
4. Please add a site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy issue is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. **ADDRESSED**

### Environment

5. Replanting tree save is not an option for single family projects when existing healthy trees are present. Please revise site plan accordingly. **ADDRESSED**

### Site and Building Design

6. Add existing parcel's building footprints and zoning districts. Provide dimension (15 feet) from proposed street to house located on parcel no. 10110102 to illustrate the minimum setback against the side of the existing house to the edge of ROW. If adjustment of the street to accommodate this increased setback results in a strip of land between the ROW and the property line, the resulting strip of land should be deeded to the adjacent owner of parcel 10110102 prior to or with the first plat submittal. **ADDRESSED**
7. Illustrate and commit in conditional notes to the enhanced treatment of the proposed SCM against Arnold Drive with decorative landscaping and trees. **ADDRESSED**

## **REQUESTED TECHNICAL REVISIONS**

### Site and Building Design

8. Remove text under Parking Summary and replace with "Parking provided per Ordinance". **ADDRESSED**
  9. Coordinate with Urban Forestry to ensure provided tree save is adequate per Tree Ordinance requirements. **ADDRESSED**
  10. Remove notes D.6-8 if petitioner is not willing to commit to the standards listed. Note D.8 seems to be committed to in a different form in note D.2. **ADDRESSED**
  11. Move note D.1 to zoning summary table and list height. **ADDRESSED**
  12. Remove details from rezoning plan. **ADDRESSED**
  13. Modify rear yard to 30 feet in zoning summary section of site plan. **ADDRESSED**
- 

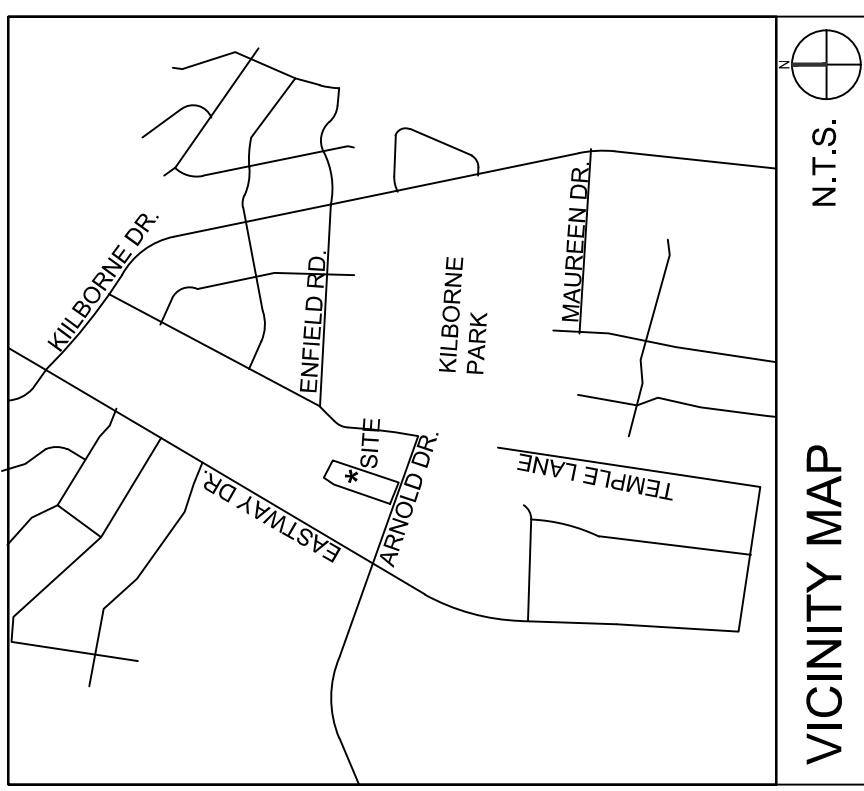
**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090



**Bloc Design**  
2923 S. Tryon Street, Suite 320  
Charlotte, NC 28203  
Phone: 704-240-2883  
www\_bloc\_nc.com

Landscape architecture | planning | civil engineering



**VICINITY MAP**

BACKGROUND DISCLAIMER  
BACKGROUND INFORMATION TAKEN FROM NECKLINCBURG COUNTY  
GIS.

N.T.S.

**ZONING SUMMARY:**

OWNER: THE BUILDING GENCY LLC  
OWNER ADDRESS: 16 LILAC ST BELMONT, NC 28012  
CIVL ENGINEER/LANDSCAPE ARCHITECT: BLOC DESIGN, PLC  
BLOC DESIGN PHONE #: 704-240-2883

ZONING DESIGNATION (EXISTING): R-4 (CD)

ZONING DESIGNATION (PROPOSED): R-4 (CD)

PARCEL NUMBER: 1010157

PARCEL SIZE: 1.572 ACRES

PARCEL NUMBER: 1010157

SETBACK AND YARD REQUIREMENTS

BUFFERS REQUIRED  
NO BUFFER REQUIRED

PARKING SUMMARY  
PARKING PROVIDED BY ORDINANCE

DEVELOPMENT SUMMARY

MIN. LOT AREA: 3,500 SF

MIN. LOT WIDTH: 40'

TOTAL LOTS: 7

OPEN SPACE REQUIRED: VIA  
BUFFERS

BUFFERS PROVIDED: 40'

**DEVELOPMENT STANDARDS**

JANUARY 25, 2021

A. GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN. THE REZONING PLAN IS APPROVED TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY ON THE APPROXIMATELY 1.572 ACRE SITE LOCATED ON ARNOLD DRIVE IN CHARLOTTE, NORTH CAROLINA. WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE SITE). THESE DEVELOPMENT STANDARDS ARE THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
- UNLESS OTHERWISE PROVIDED, THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SYMMETRIC IN NATURE AND SUBJECT TO SECTION 6.07 OF THE CITY OF CHARLOTTE ZONING ORDINANCE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE LOTS AS WELL AS THE INTERNAL STREET REPLICATED ON THE REZONING PLAN ARE SUBJECT TO MINOR ADJUSTMENTS OR MODIFICATIONS DURING THE DESIGN AND CONSTRUCTION PHASES OF THE PROJECT.
- THE SITE WILL BE SERVED BY AN INTERNAL PUBLIC STREET IN THE LOCATION OF ROAD A. WHICH IS DEPICTED ON THE REZONING PLAN AND LABELED AS "PROPOSED ROAD LOCAL RESIDENTIAL MEDIUM".
- REFERRAL TO THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY OF CHARLOTTE FOR APPROVAL OF THE REZONING PLAN IS SUBJECT TO SECTION 6.07 OF THE CITY OF CHARLOTTE ZONING ORDINANCE.
- PERMITTED USES
- THE SITE MAY BE DEVOTED ONLY TO A RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 156 UNITS. THE SITE WILL NOT BE USED FOR COMMERCIAL, INDUSTRIAL, AGRO-INDUSTRIAL AND ACCESSORY USES RELATING THERETO OR THAT ARE ALLOWED IN THE R-4 ZONING DISTRICT.

C. ARCHITECTURAL STANDARDS

- VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE SITE REZONING PLAN. THE PLACEMENT AND SPACING OF THE TECHNICAL ACCESSORIES SHALL BE APPROVED BY THE CITY OF CHARLOTTE. THE FINAL SITE PLAN AND CONSTRUCTION PLANS AND DESIGN AND ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY OF CHARLOTTE SHALL BE SUBMITTED TO THE CITY OF CHARLOTTE FOR APPROVAL.
- 25' SETBACK FROM THE CENTERLINE OF ARNOLD DRIVE WILL BE DEDICATED TO THE CITY OF CHARLOTTE.
- THE SITE WILL BE SERVED BY AN INTERNAL PUBLIC STREET IN THE LOCATION OF ROAD A. WHICH ADJUSTMENTS ON THE REZONING PLAN AND LABELED AS "PROPOSED ROAD LOCAL RESIDENTIAL MEDIUM".
- MINIMAL ADJUSTMENTS TO THE INTERNAL PUBLIC STREET LINE OF THE SITE WILL BE MADE TO ENSURE THAT THE INTERNAL PUBLIC STREET IS NO LESS THAN 21 FEET IN WIDTH.
- IF PROVIDED, SHALL BE SYMMETRICALLY SIGNED NO LESS THAN 12' UNLESS A FLAT TOP ARCHITECTURAL STYLE IS EMPLOYED.
- BUILDING ENTRANCES AND STOOPS SHALL FORM A PREDOMINANT FEATURE OF THE BUILDING DESIGN AND LOCATED ON THE SIDE OF THE BUILDING FACING THE INTERNAL PUBLIC STREET. THE ENTRANCE DOOR SHOULD BE AT LEAST 36" DEEP. STOOPS AND ENTRY-LEVEL PORCHES MAY BE COVERED BUT SHOULD NOT BE ENCLOSED.

E. LIGHTINGS

- DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE ZONING ORDINANCE.
- PETITIONERS SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPED ZONING ORDINANCE.
- THE REZONING PETITION IS APPROVED UNDER THE CONDITIONS APPLICABLE TO THE USE OF THE REZONING PETITION. THESE DEVELOPMENT STANDARDS ARE PROVIDED IN FULL DEVELOPMENT PLAN SUMMARY AS PART OF THE REZONING PETITION. THIS DEVELOPMENT PLAN SUMMARY IS APPROVED WITH THE REZONING PETITION. ALL RESIDENTIAL USES AND RELATED FEATURES OF THE REZONING PETITION ARE SUBJECT TO THE APPROVAL OF THE CITY OF CHARLOTTE.
- THE REZONING PETITION IS APPROVED UNDER THE CONDITIONS APPLICABLE TO THE USE OF THE REZONING PETITION. THESE DEVELOPMENT STANDARDS ARE PROVIDED IN FULL DEVELOPMENT PLAN SUMMARY AS PART OF THE REZONING PETITION. THIS DEVELOPMENT PLAN SUMMARY IS APPROVED WITH THE REZONING PETITION. ALL RESIDENTIAL USES AND RELATED FEATURES OF THE REZONING PETITION ARE SUBJECT TO THE APPROVAL OF THE CITY OF CHARLOTTE.
- PETITIONERS SHALL PROVIDE ENHANCED LANDSCAPING TO INCLUDE ORNAMENTAL SHRUBS AND TREES AGAINST THE ARNOLD DRIVE.
- THIS CONDITION IS NOT COMPATIBLE WITH THE REZONING ORDINANCE AS SHOWN IN THE CITY OF CHARLOTTE ZONING ORDINANCE. THE PETITIONER ACKNOWLEDGES THAT CHANGES AND ALTERATIONS MAY BE REQUIRED TO COMPLY WITH THE REZONING ORDINANCE AND THAT THE PETITIONER IS RESPONSIBLE FOR MAINTAINING THE PROPERTY IN ACCORDANCE WITH THE REZONING ORDINANCE.

F. ENVIRONMENTAL FEATURES

- ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING PUBLIC STREET, SIDEWALKS, WALLS, AWNINGS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPED AND SHIELDED AND ILLUMINATE DOWNWARD DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXCEED PAST ANY PROPERTY LINE OF THE SITE. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE IS BASED ON THE ARNOLD DRIVE LINE OF 21 FEET.
- SHADING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE OF THE REZONING PETITION ARE SUBJECT TO THE CONDITIONS APPLICABLE TO THE FULL DEVELOPMENT PLAN SUMMARY AS PART OF THE REZONING PETITION. THESE DEVELOPMENT STANDARDS ARE PROVIDED IN FULL DEVELOPMENT PLAN SUMMARY AS PART OF THE REZONING PETITION. THIS DEVELOPMENT PLAN SUMMARY IS APPROVED WITH THE REZONING PETITION. ALL RESIDENTIAL USES AND RELATED FEATURES OF THE REZONING PETITION ARE SUBJECT TO THE APPROVAL OF THE CITY OF CHARLOTTE.
2. THROUGH THE SUCCESSIVE FELLOWSHIP, THE PETITIONER AGREES THAT THE REZONING PETITION IS APPROVED FOR THE TERM OF FIVE YEARS. DURING THIS TERM, THE PETITIONER SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE REZONING PETITION. THE PETITIONER AGREES THAT THE REZONING PETITION IS APPROVED FOR THE TERM OF FIVE YEARS. DURING THIS TERM, THE PETITIONER SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE REZONING PETITION.

G. SIGNING

1. THE PETITIONER AGREES THAT THE REZONING PETITION IS APPROVED FOR THE TERM OF FIVE YEARS. DURING THIS TERM, THE PETITIONER SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE REZONING PETITION.
2. THROUGH THE SUCCESSIVE FELLOWSHIP, THE PETITIONER AGREES THAT THE REZONING PETITION IS APPROVED FOR THE TERM OF FIVE YEARS. DURING THIS TERM, THE PETITIONER SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE REZONING PETITION.

~NOW OR FORMERLY~  
JOHN AND JUDY TODD  
DB 3660-425  
PID 10110153

~NOW OR FORMERLY~  
JANE D. PATRICK  
DB 1010156  
PID 10110156

~NOW OR FORMERLY~  
PLATE WEBER & OR  
DB 3064-4252  
PID 10110161

~NOW OR FORMERLY~  
CHARLES & MARIE  
DB 1010152  
PID 10110152

~NOW OR FORMERLY~  
CRAIG CRISTINA  
DB 10101520  
PID 101101520

~NOW OR FORMERLY~  
KEITH & MARY  
DB 2410150  
PID 10110150

~NOW OR FORMERLY~  
JAMES & MARY  
DB 2310150  
PID 10110150

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DB 2310150  
PID 10110150

~NOW



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 12. **File #:** 15-15563 **Type:** Zoning Decision

---

## **Rezoning Petition: 2020-172 by Alex Ransenbergs**

**Location:** Approximately .312 acre located at the eastern intersection of Wesley Avenue and Whiting Avenue in the NoDa community. (Council District 1 - Egleston)

**Current Zoning:** R-5 (residential)

**Proposed Zoning:** UR-1 (CD) (urban residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## Zoning Committee Recommendation

Rezoning Petition 2020-172

March 30, 2021

**REQUEST**

Current Zoning: R-5 (residential)  
Proposed Zoning: UR-1 (urban residential)

**LOCATION**

Approximately .312 acres located at the eastern intersection of Wesley Avenue and Whiting Avenue in the NoDa community.

(Council District 1 - Egleston)

**PETITIONER**

Alex Ransenbergs

**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Central District Plan* with respect to proposed land use, but **consistent** with *General Development Policies (GDP)* recommended density, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family uses up to five dwelling units per acre (DUA) for the site.
- GDP recommends up to 12 DUA for the site with design standards.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- While over the District Plan's recommended density, the petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre.
- The petition is similar in density and type to previously approved rezoning petitions (2002-008; 7.4 DUA and 2004-078; 8 DUA).
- The request commits to the construction of three single-family detached residences with similar lot frontage width. For those reasons, this request is contextually appropriate with the surrounding community.
- The request for infill residential development at this location is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development".

The approval of this petition will revise the adopted future land use as specified by the Central District Plan from single family uses up to five DUA to residential uses up to 12 DUA.

Motion/Second: Welton / Kelly

Yea's: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

William Linville (704) 336-4090



**Rezoning Petition 2020-172**  
**Final Staff Analysis**  
**April 19, 2021**

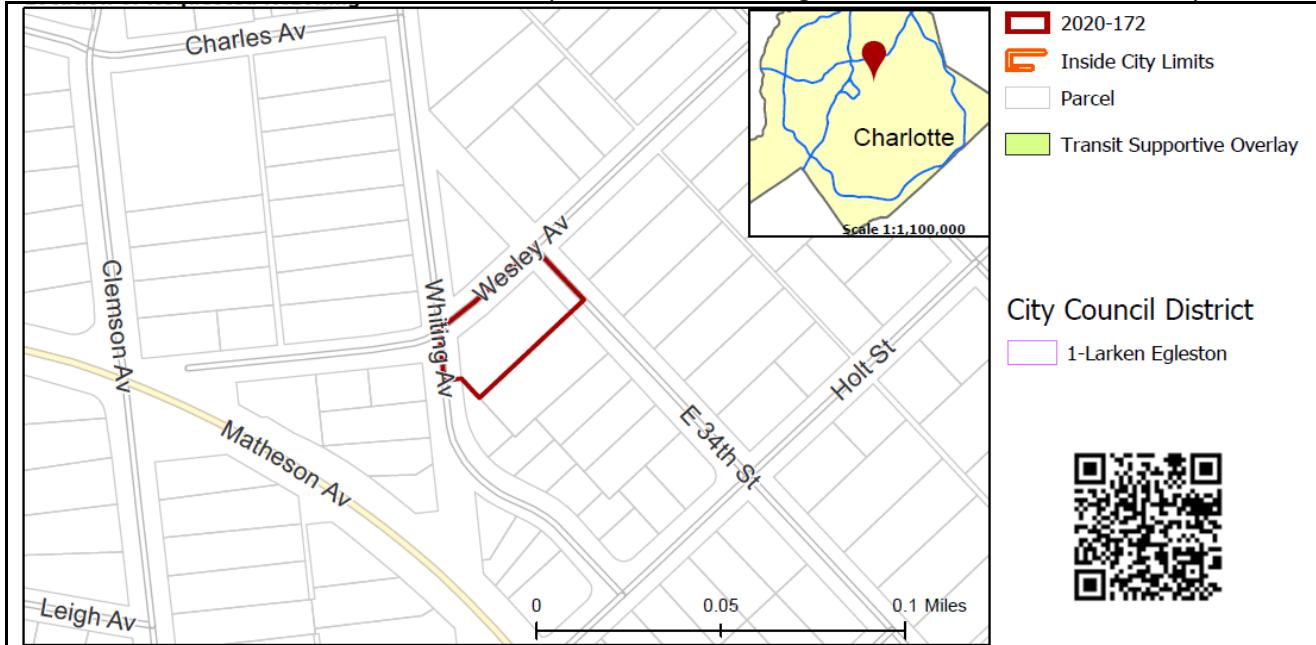
**REQUEST**

Current Zoning: R-5 (residential)

Proposed Zoning: UR-1 (CD) (urban residential, conditional)

**LOCATION**

Approximately .312 acres located at the eastern intersection of Wesley Avenue and Whiting Avenue in the NoDa community.



**SUMMARY OF PETITION**

The petition proposes to rezone an existing single family-zoned parcel with one detached single family home to an urban residential conditional district to permit up to three single family detached homes at the site at a density of 9.6 dwelling units per acre.

**PROPERTY OWNER**

Alex Ransenberg

**PETITIONER**

Alex Ransenberg

**AGENT/REPRESENTATIVE**

Paul Pennell, Urban Design Partners

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Virtual Community Meeting: 17

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Central District Plan's* (1993) recommendation for single family uses up to five dwelling units per acre (DUA) for the site but **consistent** with *General Development Policies* (GDP) recommendation for up to 12 DUA with design standards.

Rationale for Recommendation

- While over the District Plan's recommended density, the petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre.
- The petition is similar in density and type to previously approved rezoning petitions (2002-008; 7.4 DUA and 2004-078; 8 DUA).

- The request commits to the construction of three single-family detached residences with similar lot frontage width. For those reasons, this request is contextually appropriate with the surrounding community.
- The request for infill residential development at this location is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development".

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan* from single family uses up to five DUA to residential uses up to 12 DUA.

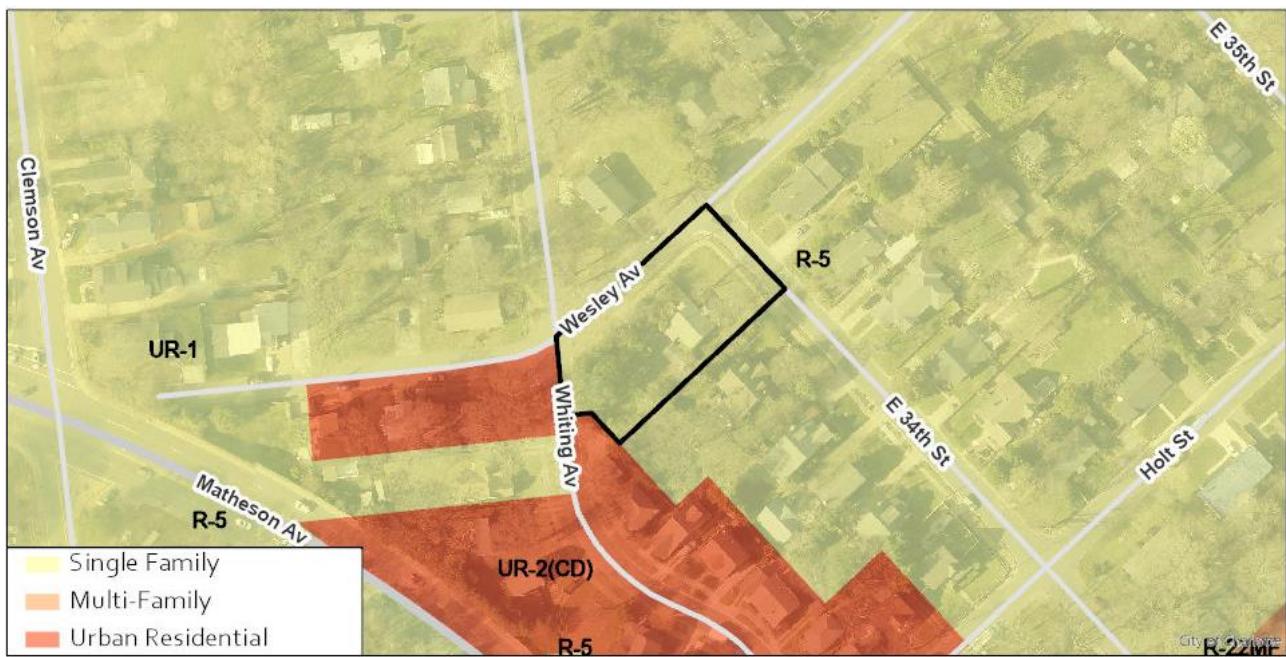
## PLANNING STAFF REVIEW

### • Proposed Request Details

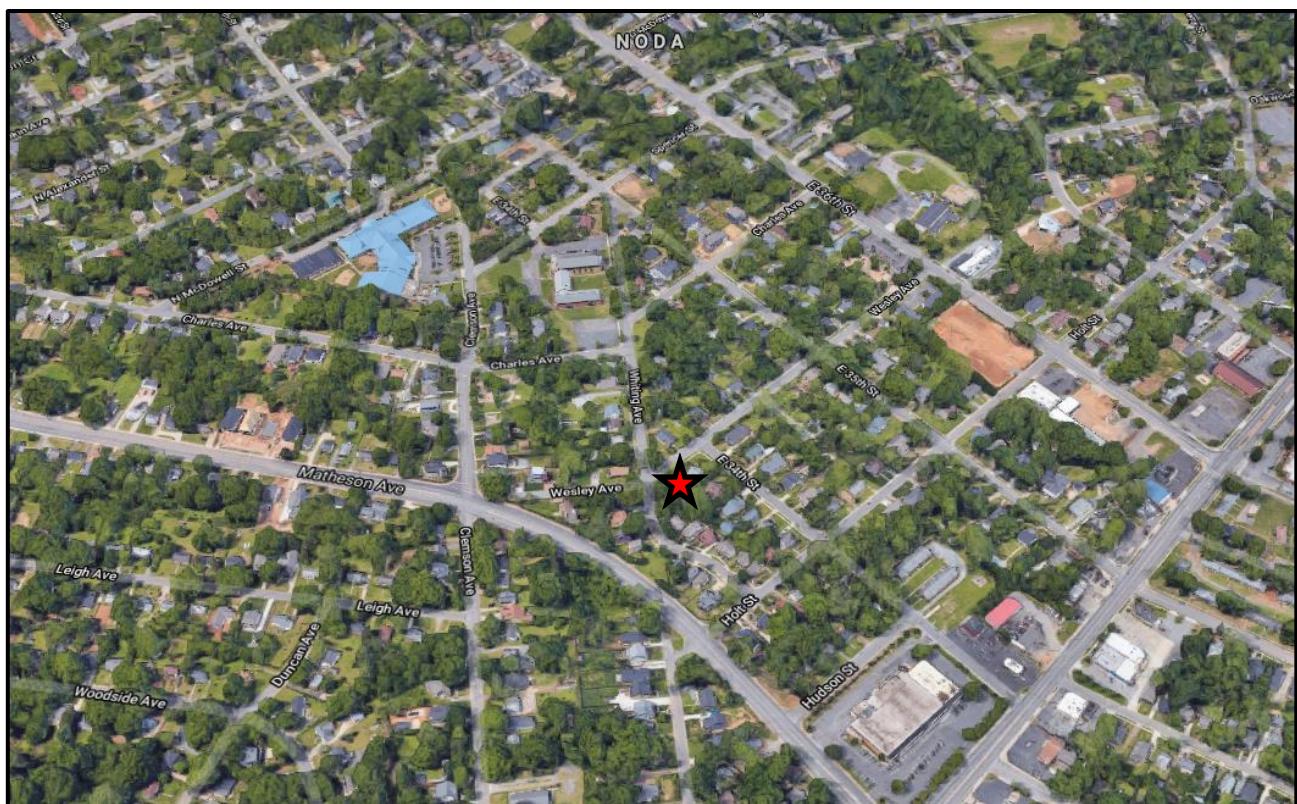
The site plan accompanying this petition contains the following provisions:

- Requests up to three single family detached dwelling units at an approximate density of 9.6 DUA.
- Commits to the construction of an 8-foot planting strip and 6-foot sidewalk along existing public street rights-of-way.
- Commits to enhanced architectural standards that include:
  - Height limitation of 35 feet/2.5 stories.
  - Minimum 6-foot tall privacy fence along the shared rear property line against existing single family homes.
  - Commits to preferred building materials including the prohibition of vinyl except when utilized on window/door trim and screen fencing.
  - Commitment to blank wall provisions limiting the expanse of said blank walls to 20 feet when adjacent to public rights-of-way.
  - Walkways from sidewalk to entry of each home.
  - Incorporation of porch or stoop adjacent to public rights-of-way. Corner units shall have a wrapped porch.
  - Entryways elevated a min. of 12" above public sidewalk.
  - Notes that lot one and two shall present a front to Wesley Avenue while lot three shall present a front along 34<sup>th</sup> Street.
  - Commits to a 30-foot setback (from existing BOC) along 34<sup>th</sup> Street and a 24-foot setback (from existing BOC) along Wesley Avenue.
  - Disallows ADUs for each lot.
- Full cutoff lighting for attached and detached lighting (except for any accent lighting).

### • Existing Zoning and Land Use



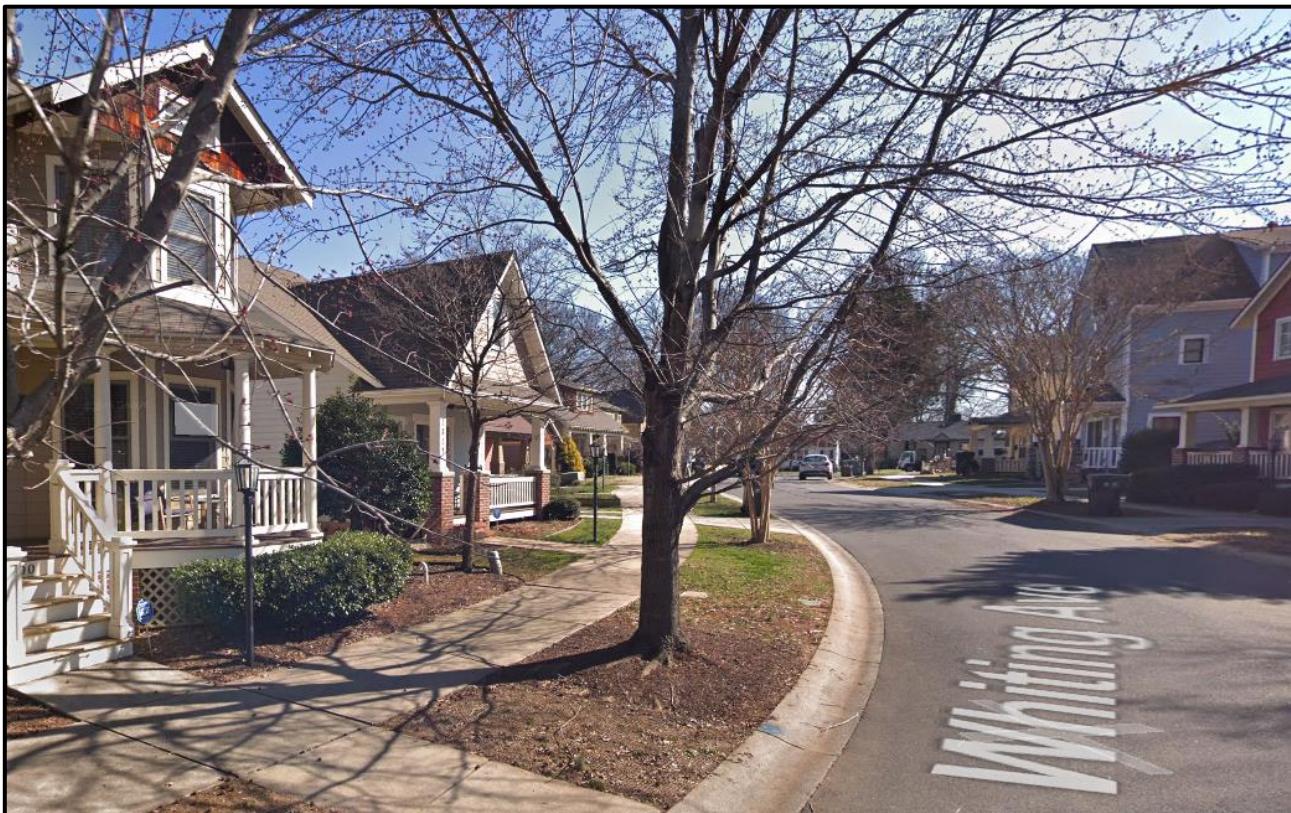
The subject property is located within a detached residential neighborhood in the NoDa community. The predominant zoning type is R-5 with some UR-2 along Whiting Avenue. The area in red illustrates the urban residential district near the subject property. That area was rezoned in 2002.



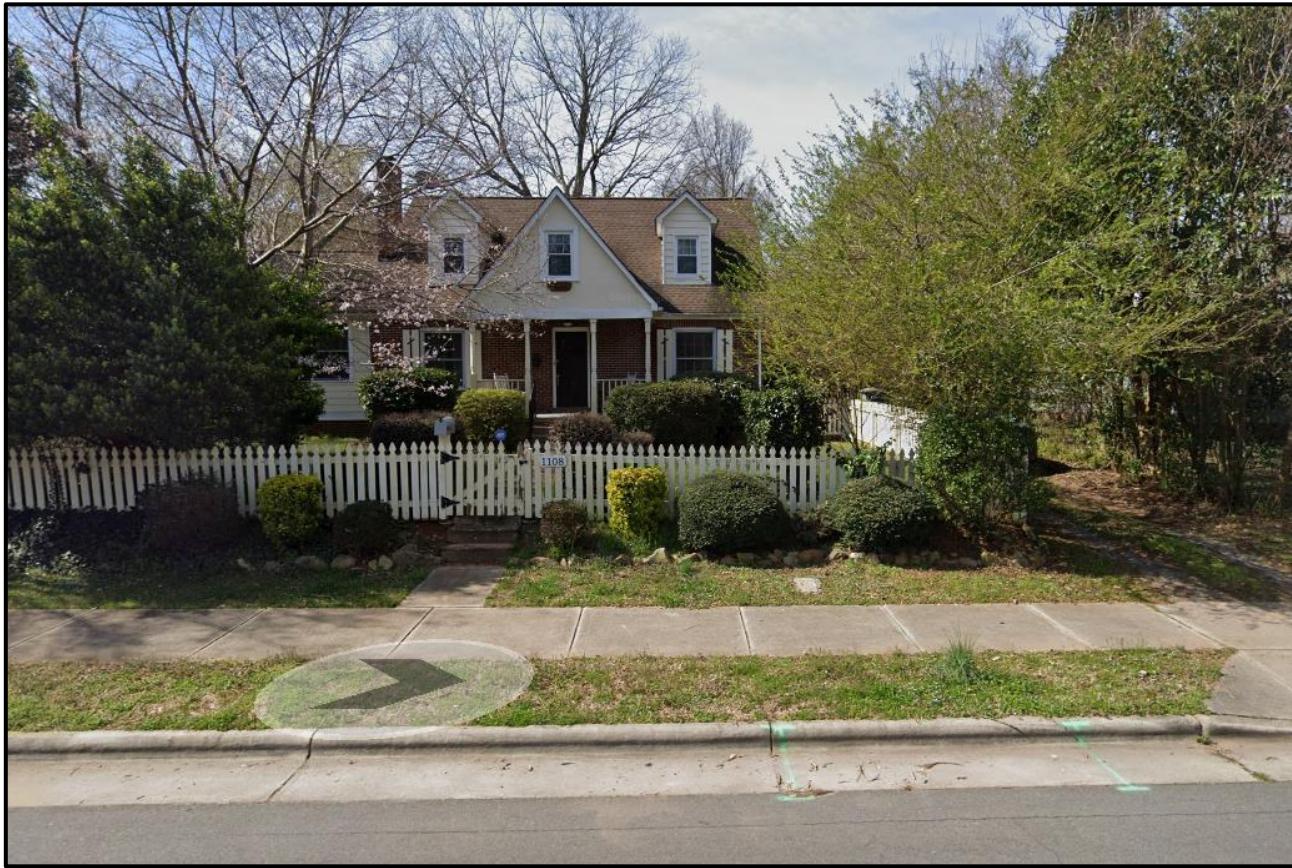
General location of subject property denoted by red star.



Streetview from the intersection of Wesley Avenue and E. 34<sup>th</sup> Street looking south toward the subject property.



Existing homes along Whiting Avenue that were constructed post 2002 under an UR district.



Single family home immediately adjacent to the subject property. This home is representative of the older housing typology located along E. 34<sup>th</sup> Street.

- **Rezoning History in Area**



There have been no rezonings in the vicinity of this subject property in the last 5 years.

- **Public Plans and Policies**



- The *Central District Plan* (1993) recommends single family uses up to 5 DUA for the site.
  - The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre as illustrated in the table below.

<b>Assessment Criteria</b>	<b>Density Category – up to 12 dua</b>
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	5
Road Network Evaluation	1
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 12</b>	<b>Total Points: 16</b>

#### **• TRANSPORTATION SUMMARY**

- The site is located on three local City-maintained roads [Wesley Avenue, 34th Street, and Whiting Avenue]. The site plan commits to constructing a 6-foot sidewalk and an 8-foot planting strip along the sight's frontage in accordance with Chapter 19 of the City's Ordinance, Charlotte WALKS and CLDSM Standards. The petitioner also commits to reconstructing an existing curb ramp on the northeast quadrant of the Wesley Avenue intersection and installing two (2) curb ramps on the southeast curb return per ADA and PROWAG standards. All outstanding CDOT comments have been successfully addressed.

#### **• Active Projects:**

- There are no active projects near the site.

- **Transportation Considerations**

- No outstanding issues.

## **Vehicle Trip Ge**

**Current Zoning:** [Edifice II-13 \(Industrial, Manufacturing, Warehousing\)](#)

Existing Use: 10 trips per day (based on one dwelling)

Entitlement: 10 trips per day (based on one dwelling).  
Proposed Zoning: 30 trips per day (based on three dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
  - **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed is one student.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 67%.
    - Eastway Middle remains at 118%.
    - Garinger High remains at 122%.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E. 34<sup>th</sup> Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E-34<sup>th</sup> Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** See Outstanding Issues, Note 2.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

##### Site and Building Design

1. ~~Adjust proposed setback along E. 34<sup>th</sup> Street to make it more contextually appropriate to existing housing and the surrounding zoning district. Staff recommends 17 feet from ROW.~~ **ADDRESSED**  
~~Environment~~
2. ~~At least 10 percent of total site with healthy trees must be preserved as tree save area for single family development. Show proposed tree save area and tree protection plan for critical root zone on rezoning application.~~ **ADDRESSED**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 13. **File #:** 15-15564 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-179 by Agent 89 Properties, LLC**

**Location:** Approximately .74 acre located at 4100 Robinwood Drive located in the Eastland/Wilora Lake community. (Council District 5 - Newton)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** R-4 (single-family residential)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## Zoning Committee Recommendation

Rezoning Petition 2020-179

March 30, 2021

### REQUEST

Current Zoning: R-3 (residential)  
Proposed Zoning: R-4 (residential)

### LOCATION

Approximately .74 acres located at 4100 Robinwood Drive  
located in the Eastland/Wilora Lake community.

(Council District 5 - Newton)

### PETITIONER

Agent 89 Properties, LLC

### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be ~~insert~~ **consistent** with the *Eastland Area Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family uses up to four dwelling units per acre (DUA).

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The petition's increase in density aligns the parcel with the adopted future land use for the parcel.
- The request aligns with the Eastland Area Plan's goal to "support strong neighborhoods" through "ongoing investment and an influx of new residents."
- The request does not change the overall context of the residential neighborhood.
- This petition proposes residential uses, which remains consistent with the Eastland Area Plan's goal of protecting existing neighborhoods from non-residential encroachment.

Motion/Second: Nwasike / Welton

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

William Linville (704) 336-4090



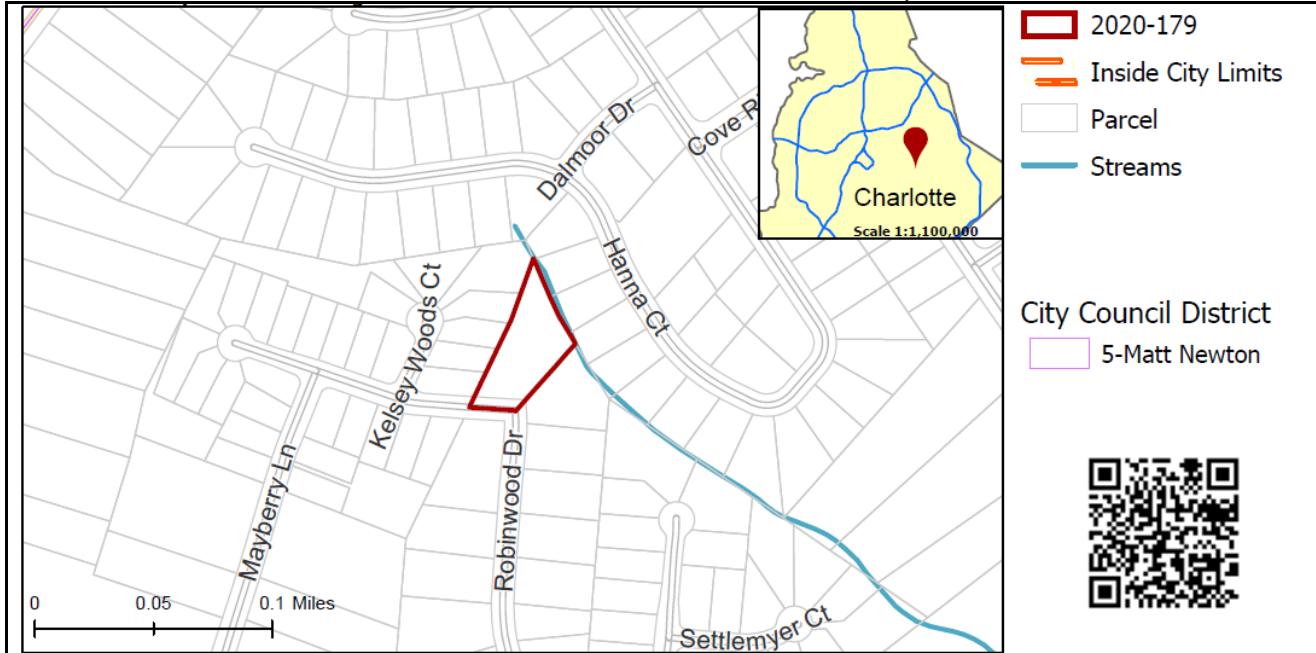
**Rezoning Petition 2020-179**  
**Post Hearing Staff Analysis**  
**April 19, 2021**

**REQUEST**

Current Zoning: R-3 (residential)  
Proposed Zoning: R-4 (residential)

**LOCATION**

Approximately .74 acres located at 4100 Robinwood Drive located in the Eastland/Wilora Lake community.



**SUMMARY OF PETITION**

The petition proposes to conventionally rezone a single parcel to allow all uses permitted either by right or under prescribed conditions within the R-4 zoning district.

**PROPERTY OWNER**

Agent 89 Properties, LLC

**PETITIONER**

Agent 89 Properties, LLC

**AGENT/REPRESENTATIVE**

William T. Wallace

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Eastland Area Plan's* (2003) recommendation for single family uses up to four DUA (dwelling units per acre) for the site.

Rationale for Recommendation

- The petition's increase in density aligns the parcel with the adopted future land use for the parcel.
- The request aligns with the Eastland Area Plan's goal to "support strong neighborhoods" through "ongoing investment and an influx of new residents."
- The request does not change the overall context of the residential neighborhood.

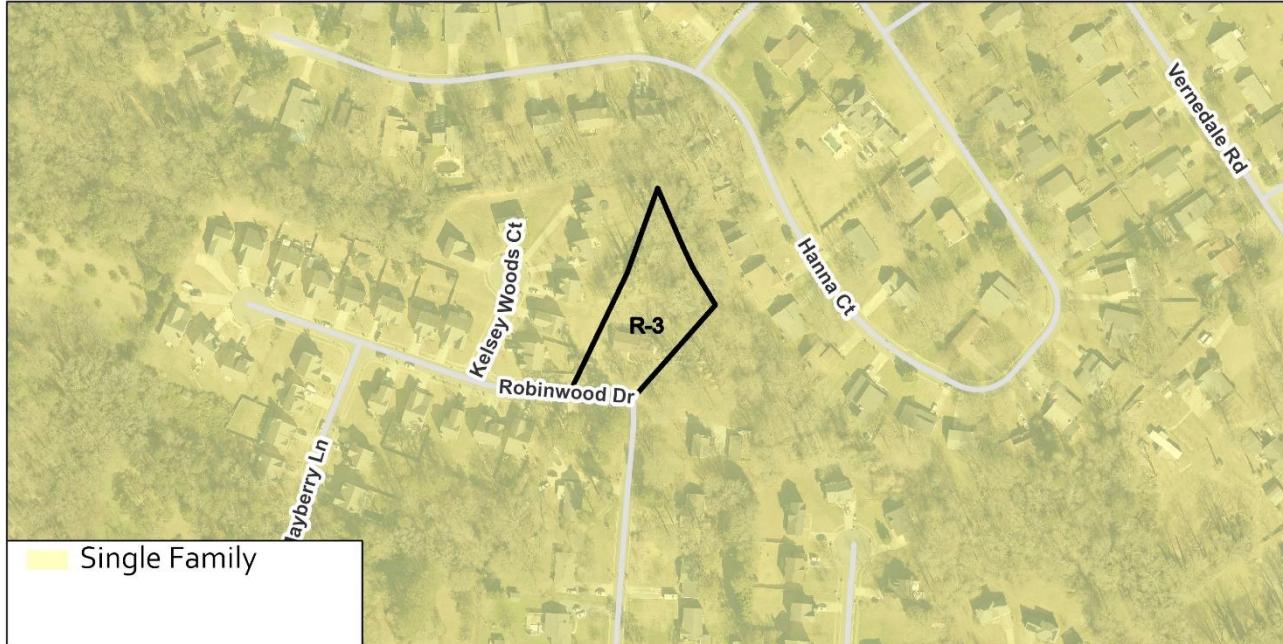
- This petition proposes residential uses, which remains consistent with the Eastland Area Plan's goal of protecting existing neighborhoods from non-residential encroachment.

## PLANNING STAFF REVIEW

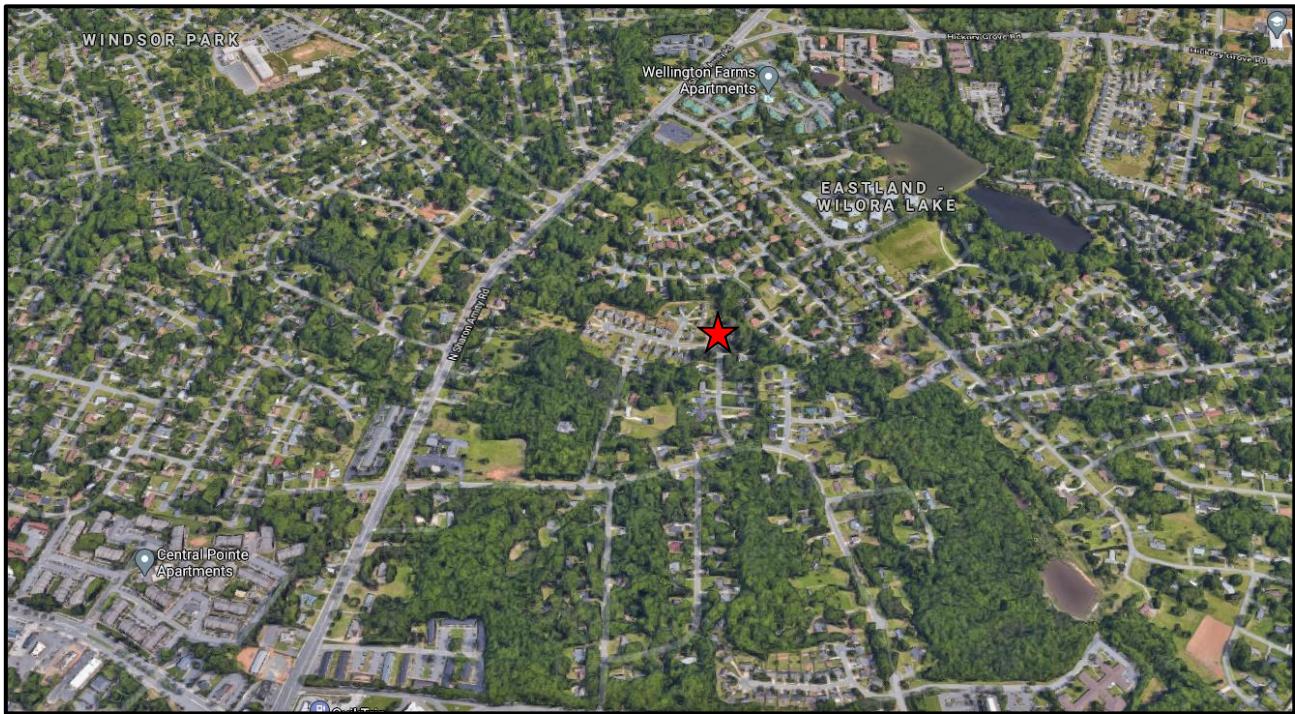
### • Proposed Request Details

This is a conventional rezoning petition with no associated site plan.

### • Existing Zoning and Land Use



There have been no historic rezonings of the site. The parcel is located within a detached single family residential neighborhood in east Charlotte.



General location of subject property denoted by red star.

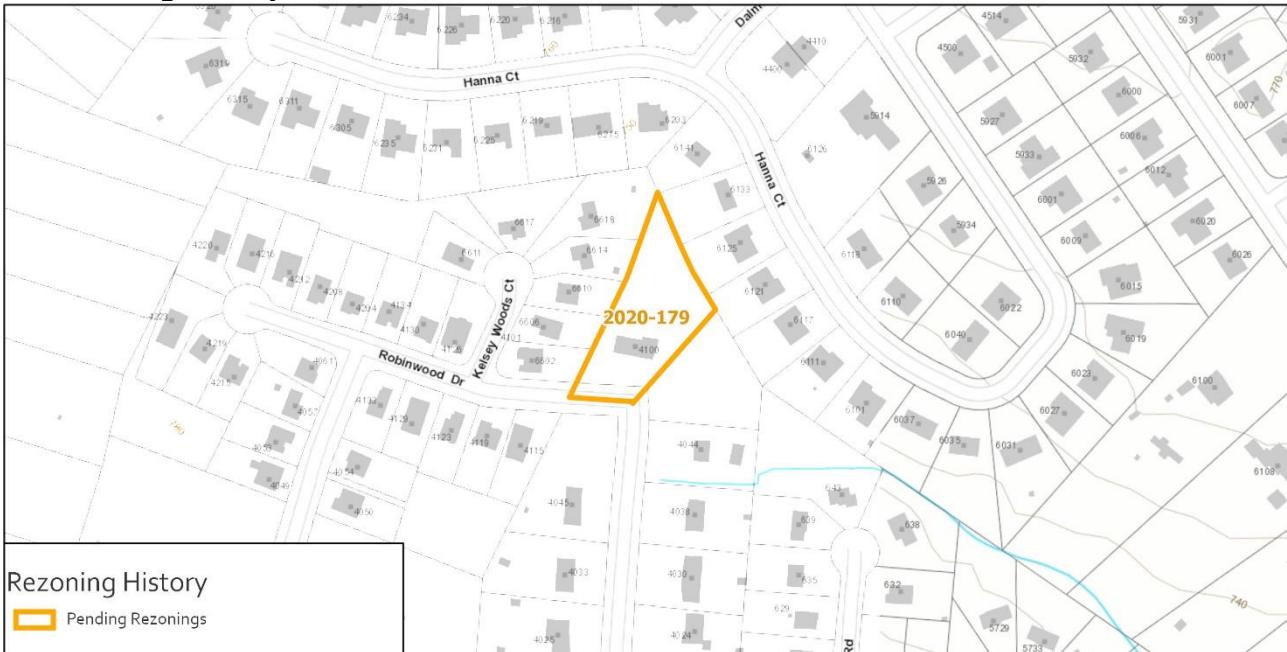


Looking north along Robinwood Drive toward the subject property. The property currently has one single family detached home on the site.



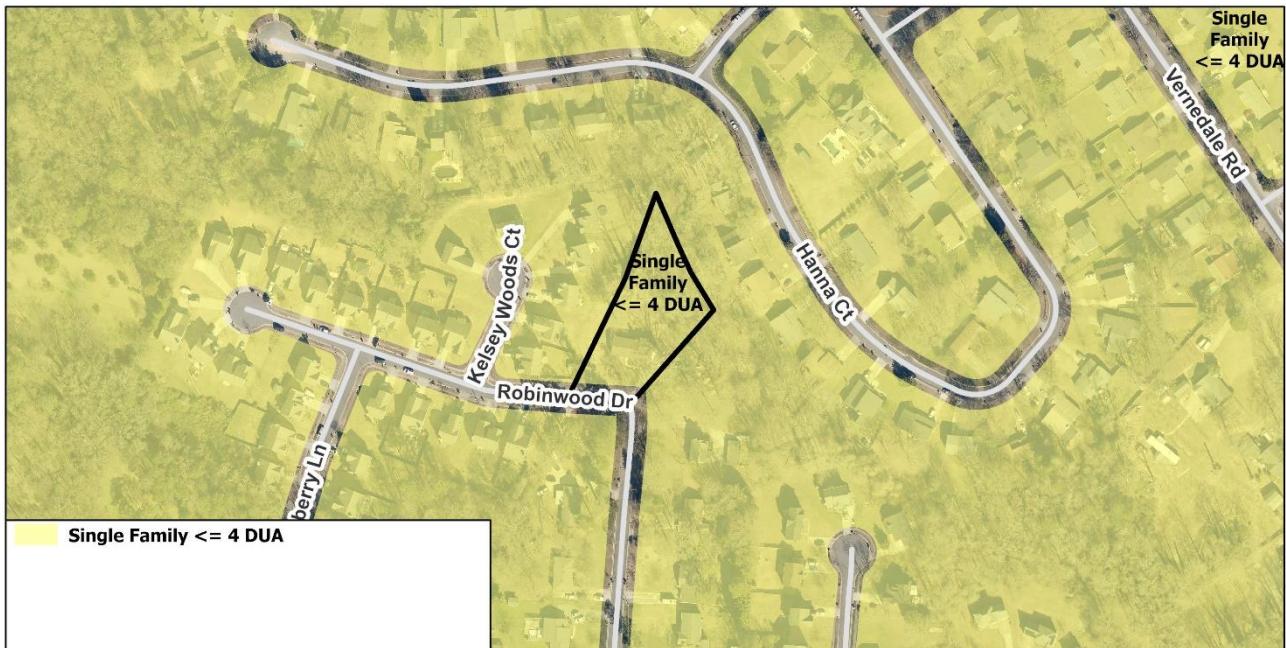
Context of surrounding neighborhood looking west along Robinwood Drive.

- **Rezoning History in Area**



There have been no rezonings in the vicinity of the site within the past 5 years.

- Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends single family uses up to four DUA for the site.
- TRANSPORTATION SUMMARY**
  - The site is located on a City-maintained local road (Robinwood Drive). As this is a conventional petition, CDOT will work with the petitioner during permitting to determine development requirements and transportation improvements, if warranted.
- Active Projects:**
  - N/A
- Transportation Considerations**
  - No outstanding issues.
- Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 10 trips per day (based on one dwelling).  
Entitlement: 20 trips per day (based on two dwellings).  
Proposed Zoning: 30 trips per day (based on three dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate one student, while the development allowed under the proposed zoning may produce one student. Therefore, the net increase in the number of students generated from existing zoning to proposed is one student
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Example Elementary remains at 109%
    - Example Middle remains at 117%
    - Example High remains at 117%.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Robinwood Road. Charlotte water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Robinwood Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704) 336-4090



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 14. **File #:** 15-15565 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-184 by Pinky's, LLC**

**Location:** Approximately 0.225 acre located along the west side of Freedom Drive and along the north side of West Morehead Street. (Council District 3 - Watlington)

**Current Zoning:** B-1 PED -O (neighborhood business, pedestrian overlay, optional)

**Proposed Zoning:** B-1 PED-O (SPA) (neighborhood business, pedestrian overlay, optional, site plan amendment)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-184**

**March 30, 2021**

### **REQUEST**

Current Zoning: B-1 PED-O (neighborhood business, pedestrian overlay, optional)

Proposed Zoning: B-1 PED-O (SPA) (neighborhood business, pedestrian overlay, optional, site plan amendment)

### **LOCATION**

Approximately 0.225 acres located along the west side of Freedom Drive and along the north side of West Morehead Street  
(Council District 3 - Watlington)

### **PETITIONER**

Pinkys, LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *West Morehead Pedscape Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends retail.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed rezoning petition is consistent with the adopted retail land use for this site.
- The parking space reduction is consistent with the objectives of the Pedestrian Overlay Zoning district for the area, which encourages a pedestrian friendly form of development.
- The site is located near existing bus stops and located within 0.25 mile of the proposed silver line transit station.
- The existing streetscape appears to be in compliance with the ordinance and optional request allows the streetscape to remain as is.

Motion/Second: Barbee / Blumenthal

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION** Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

One of the committee members stated that it was good to see the neighborhood in support of this petition.

There was no further discussion of this petition.

**PLANNER** Lisa Arnold (704) 336-5967

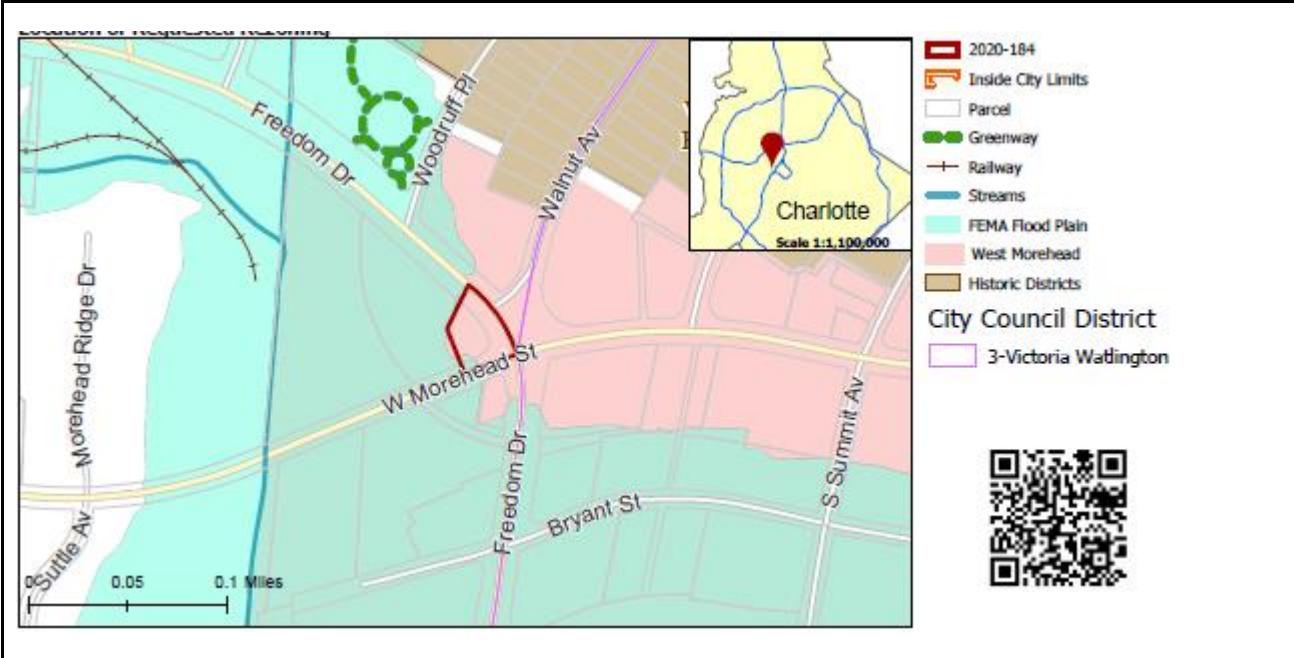
**REQUEST**

Current Zoning: B-1 PED-O (neighborhood business, pedestrian overlay, optional)

Proposed Zoning: B-1 PED-O (SPA) (neighborhood business, pedestrian overlay, optional, site plan amendment)

**LOCATION**

Approximately 0.225 acres located along the west side of Freedom Drive and along the north side of West Morehead Street



**SUMMARY OF PETITION**

The petition proposes to amend the approved optional site plan to lower the number of required parking spaces to six (6) space as currently provided onsite.

**PROPERTY OWNER**

Pinkys, LLC

**PETITIONER**

Pinkys, LLC

**AGENT/REPRESENTATIVE**

Walter G. Fields

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 23

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the retail land use recommended for this site as per the *West Morehead Pedscape Plan* (2004).

Rationale for Recommendation

- The proposed rezoning petition is consistent with the adopted retail land use for this site.
- The parking space reduction is consistent with the objectives of the Pedestrian Overlay Zoning district for the area, which encourages a pedestrian friendly form of development.
- The site is located near existing bus stops and located within 0.25 mile of the proposed silver line transit station.

- The existing streetscape appears to be in compliance with the ordinance and optional request allows the streetscape to remain as is.

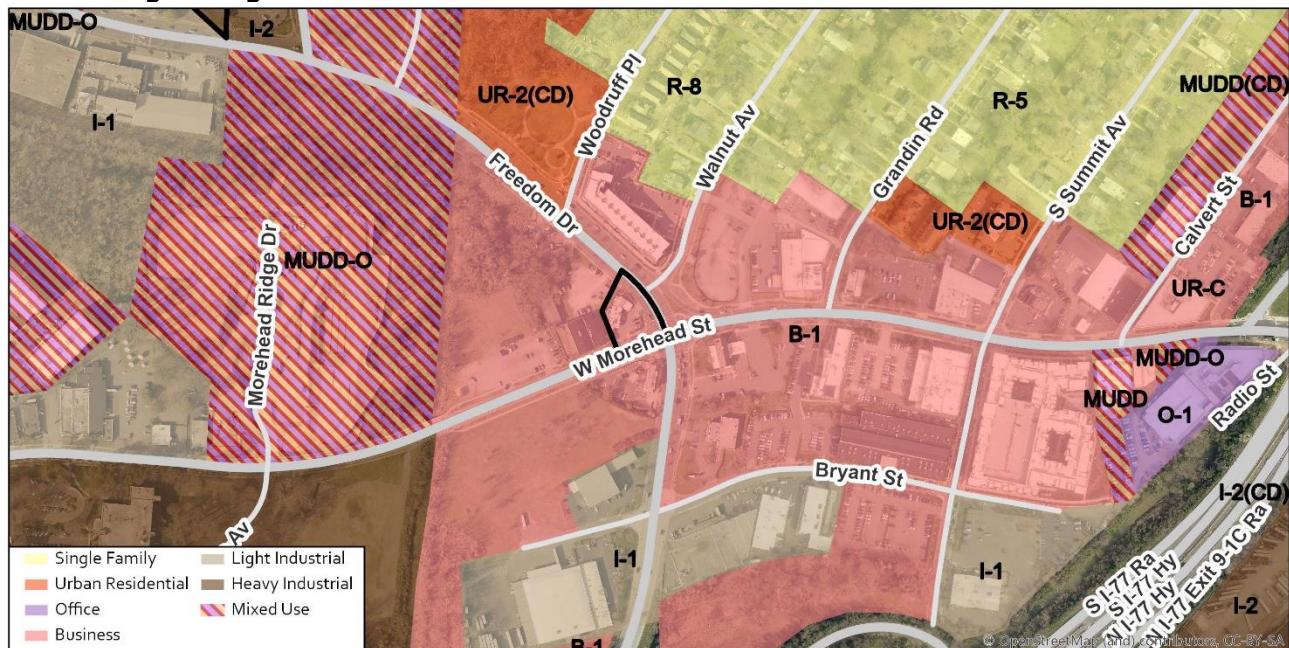
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan amendment contains the following changes:

- Adds the following optional requests:
  - The amount of parking required to be provided for use on this site will be established as the number of parking spaces (6 spaces) provided on the site as currently developed.
  - The streetscape that is in place along Freedom Drive and West Morehead Street frontages will remain in place and no additional streetscape improvements will be required.
- The existing streetscape appears to be in compliance with the ordinance.

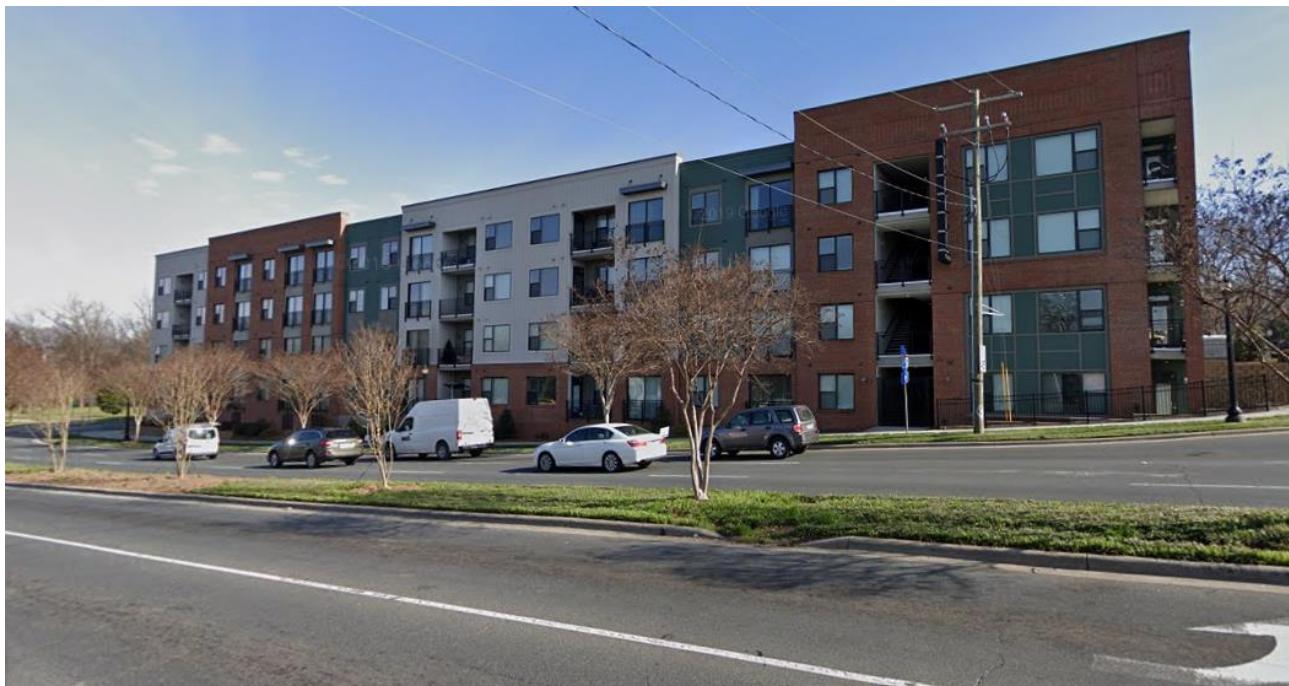
### • Existing Zoning and Land Use



The site was rezoned in 2010 to B-1 PED-O to provide optional provisions for the onsite signage. Surrounding land uses include business uses, automotive uses, and multifamily residential.



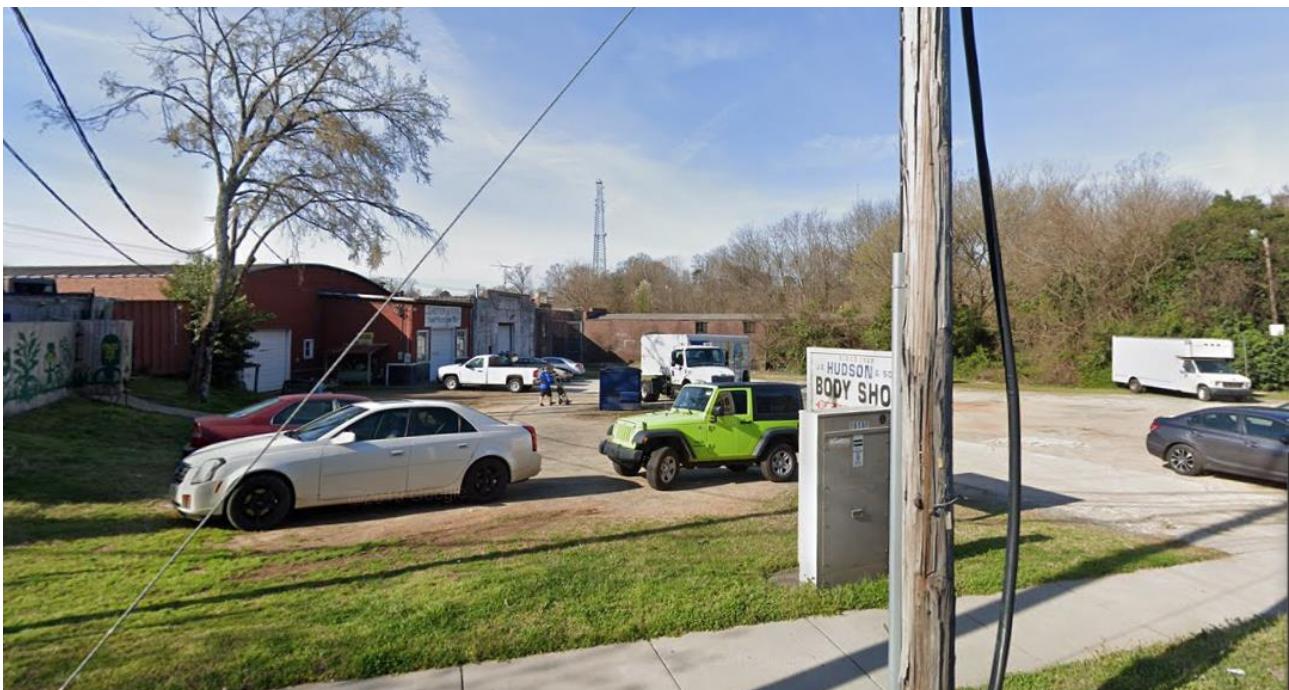
The site is located at the intersection of Freedom Drive and West Morehead Street and is developed as an eating, drinking, and entertainment establishment (EDEE). The site is marked with a red star.



The site to the north is developed with multifamily residential.



The site to the south is developed with an EDEE.

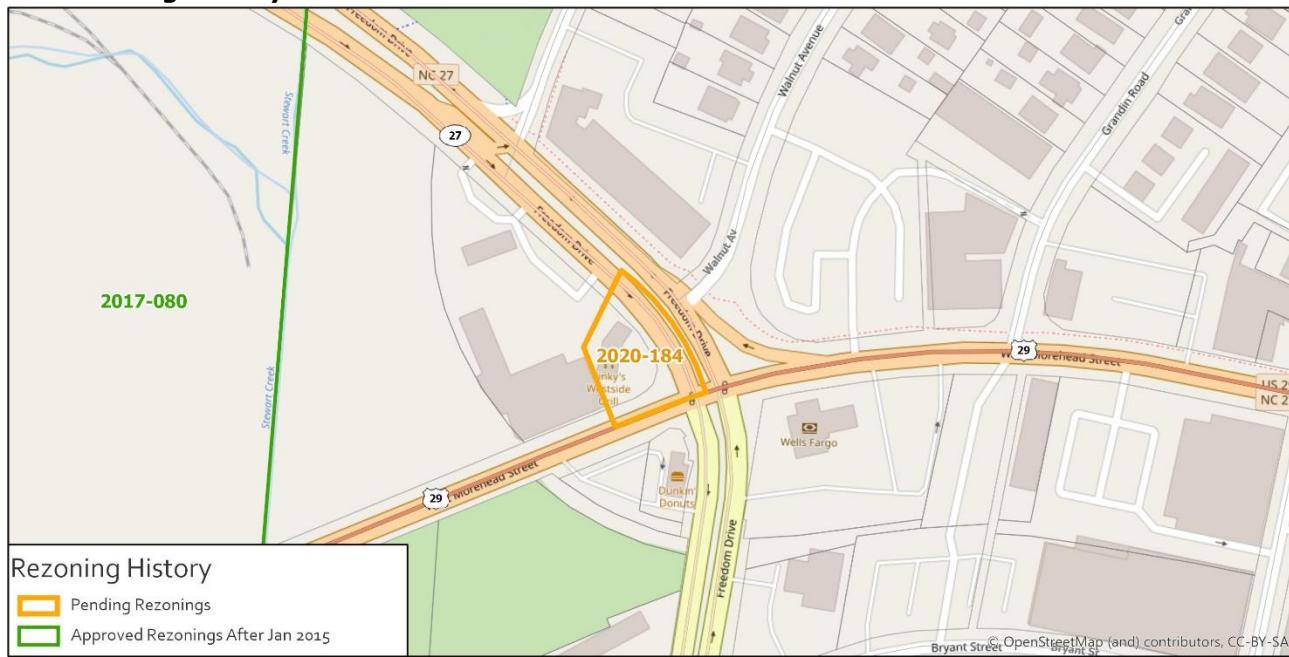


The site to the west is developed with automotive uses.



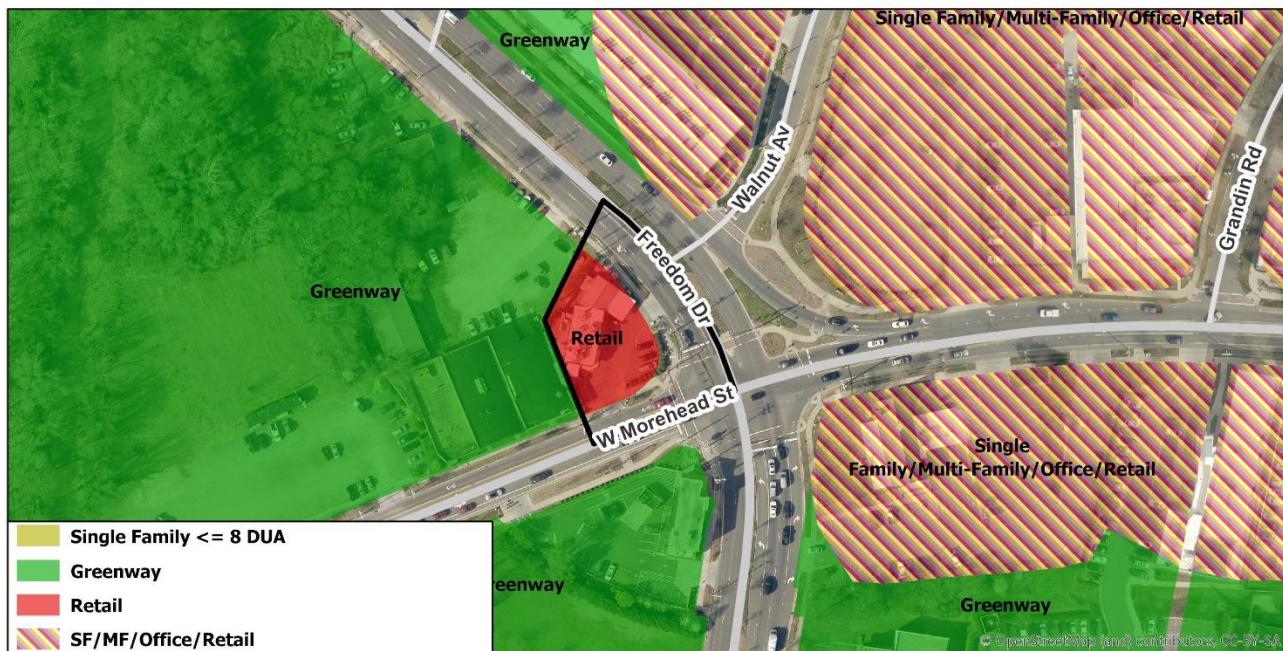
The property to the east is developed with retail and EDEE uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-080	The petition rezoned property to MUD-O (mixed use development, optional) to allow up to 280 dwelling units.	Approved

- Public Plans and Policies**



- The *West Morehead Pedscape Plan* (adopted 2004) recommends retail land uses for this site, which is also under a pedestrian overlay zoning district.

- TRANSPORTATION SUMMARY**

- The site is located at the intersection of Freedom Drive and Morehead Street, two State-maintained major thoroughfares, inside the limits of Route 4. Additionally, this site is located within the West Corridor and inside the limits of the West Morehead Land Use and the Pedscape Plan.

- Active Projects:**

- There are no active projects near the site.

- Transportation Considerations**

- See Outstanding Issues, Notes 1 and 2.

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 320 trips per day (based on 2,819 SF restaurant).

Entitlement: 320 trips per day (based on 2,819 SF restaurant).

Proposed Zoning: 320 trips per day (based on 2,819 SF restaurant).

#### **DEPARTMENT COMMENTS** (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Department of Solid Waste Services:** No outstanding issues.
- Charlotte Fire Department:** No outstanding issues.
- Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water:** No comments submitted.
- Engineering and Property Management:**
  - Arborist:** No comments submitted.
  - Erosion Control:** No outstanding issues.
  - Land Development:** No outstanding issues.
  - Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - Urban Forestry:** See Outstanding Issues, Note 3, technical revisions, Notes 4-5
- Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

## **OUTSTANDING ISSUES**

### Transportation

1. Revise the site plan by adding a sidewalk utility easement 2 feet behind the sidewalk along the site's Morehead Street and Freedom Drive frontage. Please change the language on Transportation Note 2 to "The petitioner will provide an easement to CDOT and NCDOT, as generally depicted on the site plan, for a 2 foot wide area behind and coterminous with the existing sidewalk along both West Morehead Street and Freedom Drive for sidewalk maintenance and underground utilities.". Additionally, please clearly show and label the SUE on the site plan. **Addressed**

2. Revise the site plan by correcting the West Morehead Street pavement markings. Please include all pavement markings. **Addressed**

### Site and Building Design

3. Patio or extra building will need to be moved/removed, or an optional provision need to be requested. There is a required tree in this area on the old approved landscape plans. And we will need room for an internal tree. **Addressed**

## **REQUESTED TECHNICAL REVISIONS**

### Site and Building Design

4. Show all existing trees. They will be required to be protected and saved. **Addressed**
5. The site plan only shows 5 parking spaces but the plan notes state there are 6 existing spaces. All parking spaces to be within 40' of a tree (typ.). **Addressed**

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Lisa Arnold (704) 336-5967



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 15. **File #:** 15-15566 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-185 by Providence Group Capital, LLC**

**Location:** Approximately 0.808 acre located along the west side of Distribution Street, east of South Tryon Street, and south of Dunavant Street. (Council District 3 - Watlington)

**Current Zoning:** TOD-NC (transit-oriented development-neighborhood center)

**Proposed Zoning:** TOD-UC (transit-oriented development-urban center)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-185**

**March 30, 2021**

### **REQUEST**

Current Zoning: TOD-NC (transit oriented development-neighborhood center)  
Proposed Zoning: TOD-UC (transit oriented development-urban center)

### **LOCATION**

Approximately 0.808 acres located along the west side of Distribution Street, east of South Tryon Street, and south of Dunavant Street.  
(Council District 3 - Watlington)

### **PETITIONER**

#### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *New Bern Transit Station Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends transit oriented development-mixed.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The subject site is within a 1/4 mile of the proposed Rampart Station infill light rail station.
- The proposal allows a site previously used for industrial/office/warehouse purposes to be reused or redeveloped with a transit supportive project.
- Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and/or adopted Metropolitan Transit Commission alignment station location.

Motion/Second: Blumenthal / Nwasike  
Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton  
Nays: None  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the conventional petition and noted that it is consistent with the adopted area plan. Staff explained to the Commission the high volume of recent rezonings in the immediate area requesting the more intensive TOD-UC district is due to the proposed Rampart Station. There was no discussion of this petition.

**PLANNER**

Claire Lyte-Graham (704) 336-3782

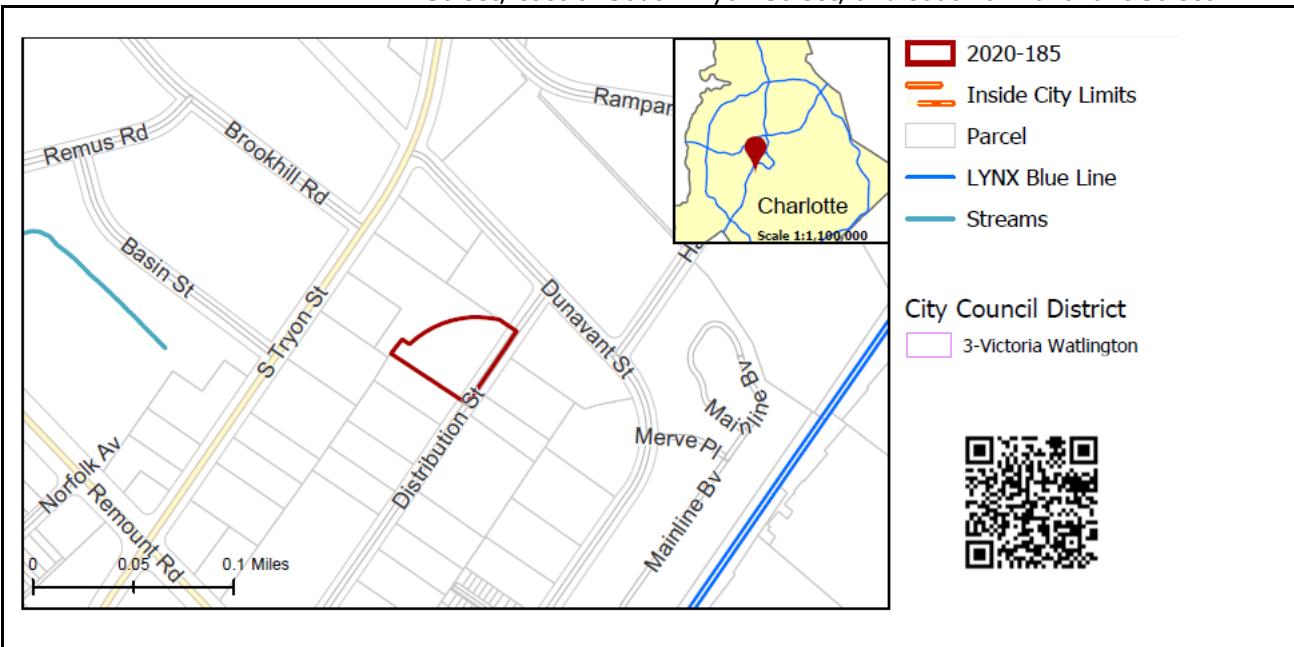
**REQUEST**

Current Zoning: TOD-NC (transit oriented development-neighborhood center)

Proposed Zoning: TOD-UC (transit oriented development-urban center)

**LOCATION**

Approximately 0.808 acres located along the west side of Distribution Street, east of South Tryon Street, and south of Dunavant Street.



**SUMMARY OF PETITION**

The petition proposes to allow all uses in the TOD-UC (transit oriented development-urban center) on parcels developed with buildings with commercial uses located between South Boulevard and South Tryon Street, and north of Remount Road.

**PROPERTY OWNER**

Joe B Liles

**PETITIONER**

Providence Group Capital, LLC

**AGENT/REPRESENTATIVE**

Dujuana Keys, Moore & Van Allen

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *New Bern Transit Station Area Plan* recommendation for transit oriented development-mixed.

Rationale for Recommendation

- The subject site is within a 1/4 mile of the proposed Rampart Station infill light rail station.
- The proposal allows a site previously used for industrial/office/warehouse purposes to be reused or redeveloped with a transit supportive project.
- Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

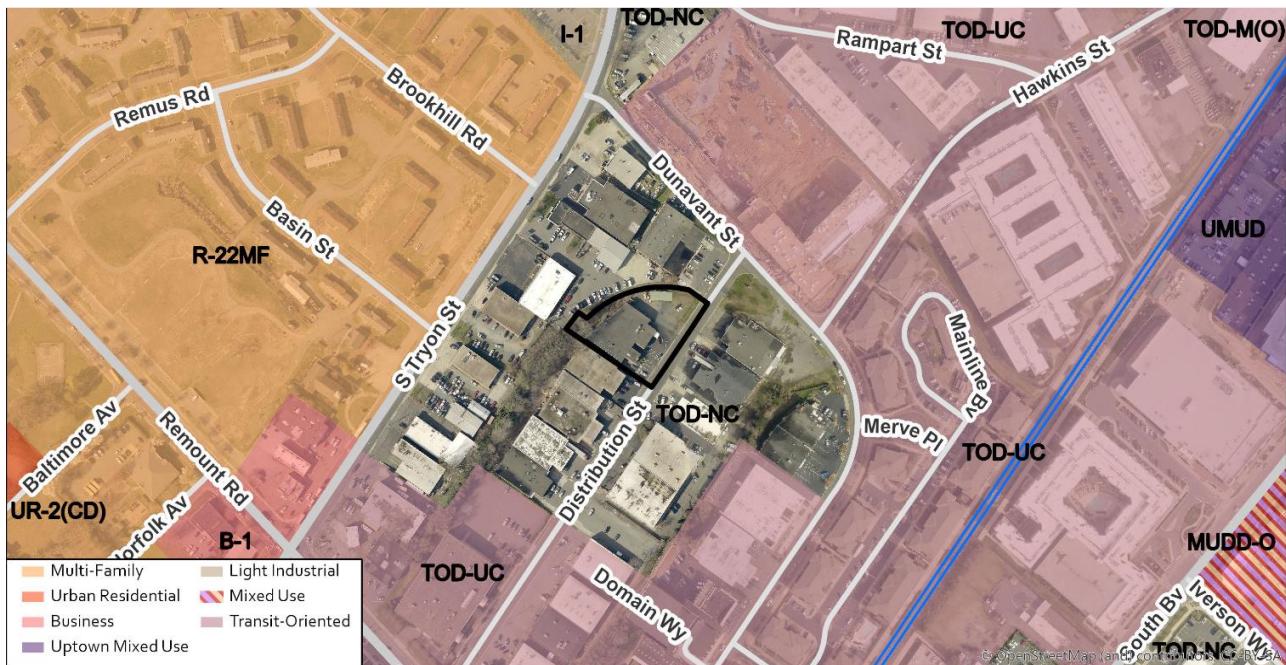
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and/or adopted Metropolitan Transit Commission alignment station location.

## PLANNING STAFF REVIEW

### • Proposed Request Details

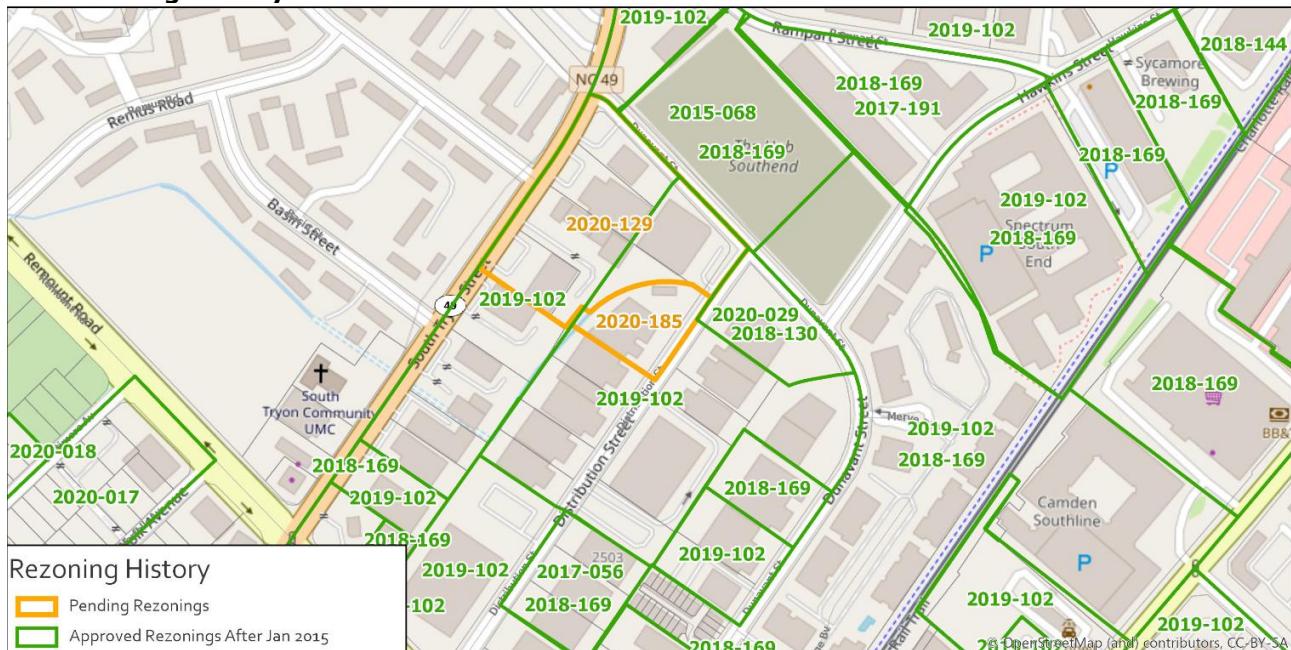
This is a conventional rezoning petition, which applies to all the standards, regulations and uses in the TOD-UC (transit oriented development-urban center) zoning district. Uses allowed in the TOD-UC district include residential, commercial, institutional, and government uses.

### • Existing Zoning and Land Use



- The site is developed with 1-story buildings containing commercial uses surrounded by residential, office/industrial/warehouse, commercial and retail uses zoned R-22MF, UR-2(CD), TOD-NC, TOD-UC, TOD-M(O), UMUD, and I-1.
- The site was part of 1,771.18 acres rezoned from a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR per rezoning petition 2019-102.

### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2020-129	Rezoned 3.264 acres from TOD-NC to TOD-UC.	Approved
2020-029	Rezoned 1 acre from TOD-M(O) to TOD-NC.	Approved
2020-018	Rezoned 0.917 acres from R-22MF to UR-2(CD).	Approved
2020-017	Rezoned 2.75 acres from R-22MF to MUDD(CD).	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC district.	Approved
2018-130	Rezoned 0.97 acres from I-2 to TOD-M(O).	Approved
2017-056	Rezoned 1.33 acres from I-2 to TOD-M.	Approved

- Public Plans and Policies**



- *New Bern Transit Station Area Plan (2008) recommends transit oriented mixed use.*

- TRANSPORTATION SUMMARY**

- The site is located at the corner of Distribution Street and Dunavant Street, two City-maintained local streets, adjacent to Rezoning Petition 2020-129. As this is a conventional rezoning, a Traffic Impact Study (TIS) is not required as part of the rezoning process. This site is requesting a TOD-UC zoning and will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated in the TOD-zoned areas.

- Active Projects:**

- South Tryon Corridor Implementation
  - The project will implement pedestrian hybrid beacons, bulb-outs, and pavement markings at various locations along South Tryon Street between Clanton Road and Carson Boulevard.
    - Dunavant/Brookhill Hybrid Beacon currently under construction.
  - Construction: A crosswalk and hybrid beacon are currently being constructed at Dunavant Street and South Tryon Street.
- South End Ped/Bicycle Connector
  - This planning study will determine the cost and feasibility of constructing a new transit station, between Tremont Avenue and Remount Road, and a pedestrian/bicycle crossing within the same area.
  - Construction: TBD; planning to finish end Q1 2020

- Transportation Considerations**

- A Traffic Impact Study is not necessary for the complete review of this petition as this is a conventional petition. If during the permitting process the site generates more than 2500 daily trips, then a traffic study will be required.

- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 65 trips per day (based on 11,370 square foot warehouse).

Entitlement: Too many uses to determine (TOD-NC).

Proposed Zoning: Too many uses to determine (TOD-UC).

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Remount Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.

Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Distribution Street. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

- None
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 16. **File #:** 15-15567 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-187 by Sam's Mart**

**Location:** Approximately 1.098 acres located along the south side of Central Avenue, on the west side of North Sharon Amity Road, and north of Spanish Quarter Circle. (Council District 5 - Newton)

**Current Zoning:** B-1 (neighborhood business)

**Proposed Zoning:** B-2 (general business)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-187**

**March 30, 2021**

### **REQUEST**

Current Zoning: B-1 (neighborhood business)  
Proposed Zoning: B-2 (general business)

### **LOCATION**

Approximately 1.098 acres located along the south side of Central Avenue, on the west side of North Sharon Amity Road, and north of Spanish Quarter Circle (Council District 5 - Newton)

### **PETITIONER**

Sam's Mart

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Eastland Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends retail use.

Therefore we find this petition to Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- The parcel was previously developed with an automobile service station with fuel sales.
- The site is located at the intersection of two major thoroughfares (Central Avenue and Sharon Amity Road).
- There are retail and other commercial uses in B-1 and B-2 zoning in the immediate area.
- Uses allowed in B-2 are compatible with other commercial uses located near this intersection.

Motion/Second: Welton / Barbee

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillian

Recused: None

### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. There was no further discussion of this petition.

### **PLANNER**

John Kinley (704) 336-8311

**REQUEST**

Current Zoning: B-1 (neighborhood business)  
Proposed Zoning: B-2 (general business)

**LOCATION**

Approximately 1.098 acres located along the south side of Central Avenue, on the west side of North Sharon Amity Road, and north of Spanish Quarter Circle



**SUMMARY OF PETITION**

The petition proposes a conventional rezoning to B-2 (general business) to allow all uses permitted in the B-2 district on a corner parcel on the east side of Charlotte.

**PROPERTY OWNER**

Sam's Investment VIII

**PETITIONER**

Sam's Mart

**AGENT/REPRESENTATIVE**

Anthony Fox

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Eastland Area Plan* recommendation for retail use.

Rationale for Recommendation

- The parcel was previously developed with an automobile service station with fuel sales.
- The site is located at the intersection of two major thoroughfares (Central Avenue and Sharon Amity Road).
- There are retail and other commercial uses in B-1 and B-2 zoning in the immediate area.
- Uses allowed in B-2 are compatible with other commercial uses located near this intersection.

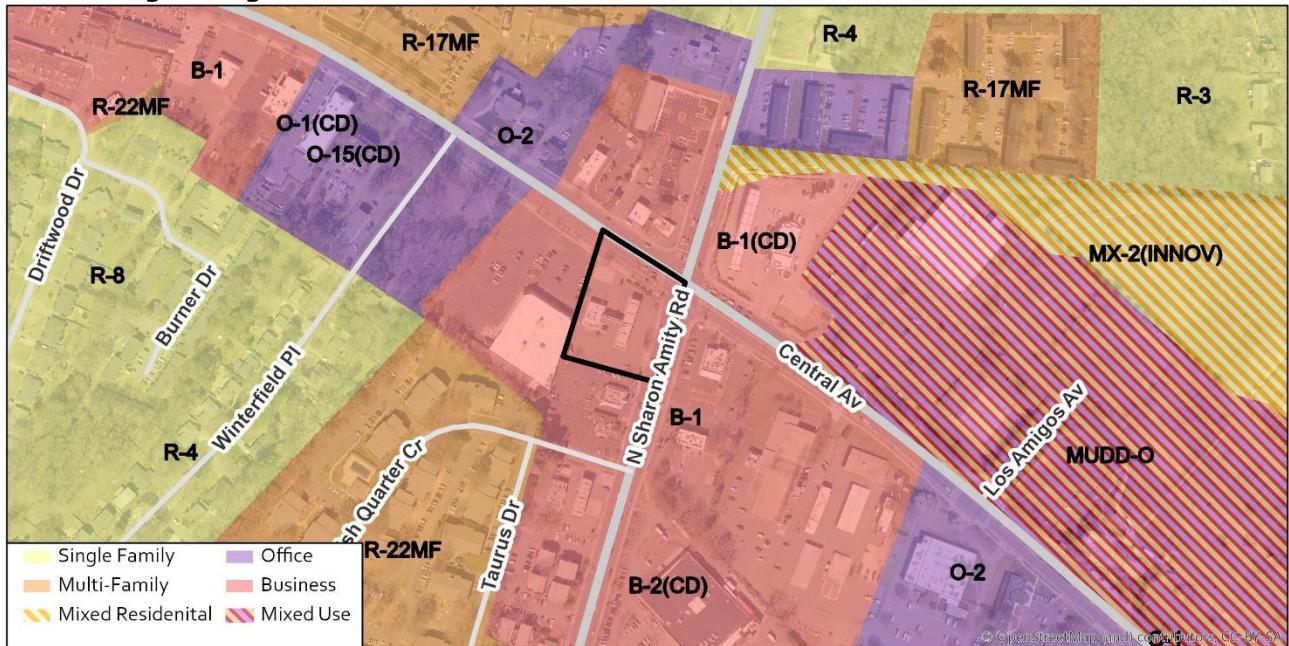
## PLANNING STAFF REVIEW

### • Proposed Request Details

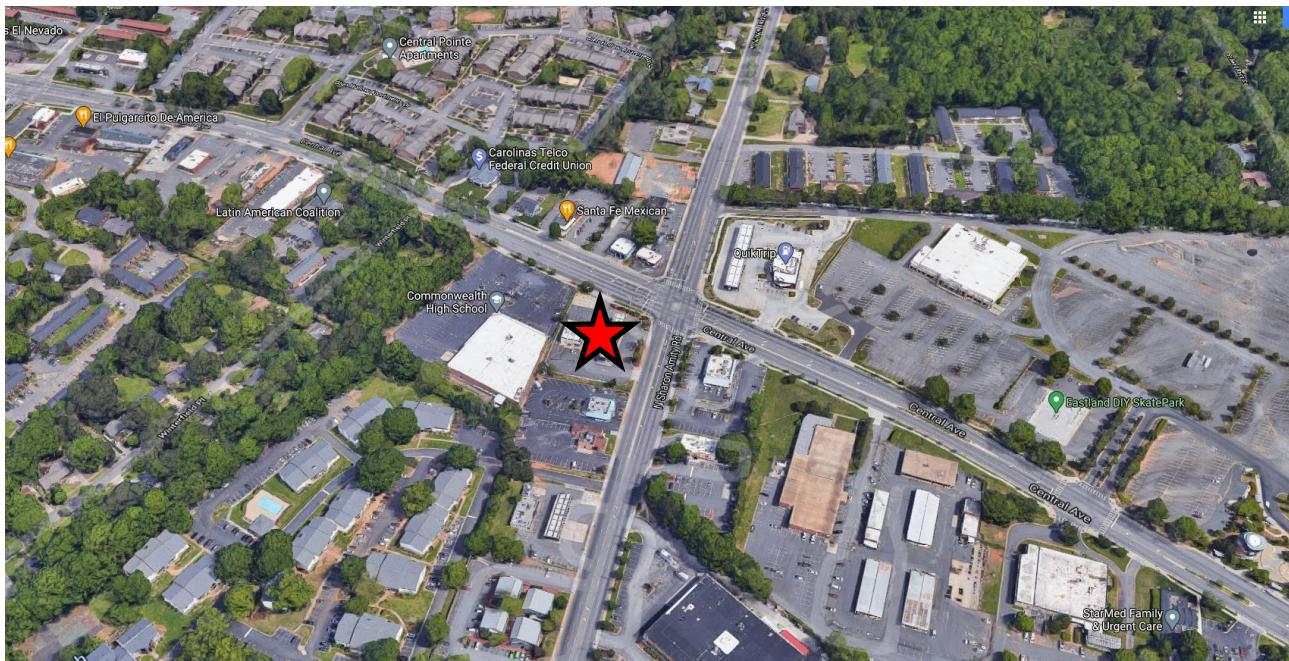
This is a conventional rezoning petition with no associated site plan.

- The proposal would allow all uses permitted in the B-2 zoning district.

### • Existing Zoning and Land Use



The area around the site is developed with a mix of retail, service and office uses along both the Central Avenue and North Sharon Amity Road corridors. Northeast of the site across Central Avenue is the old Eastland Mall site. Nearest residential uses are to the southwest off Spanish Quarter Circle and Winterfield Place.



The site indicated by the red star above and shown in the street view (below) was previously developed with automobile service station with fuel sales.



North of the site are retail uses



East of the site is an EDEE with accessory drive-thru.

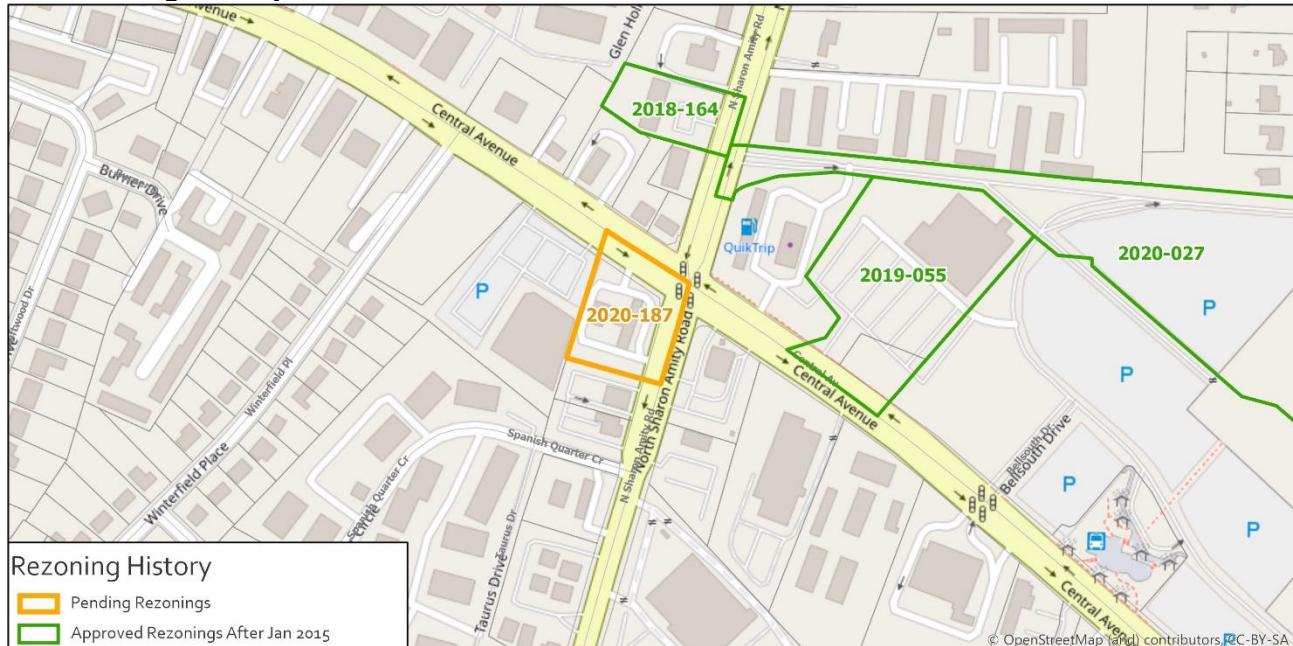


South of the site are EDEE's with accessory drive-thru windows.



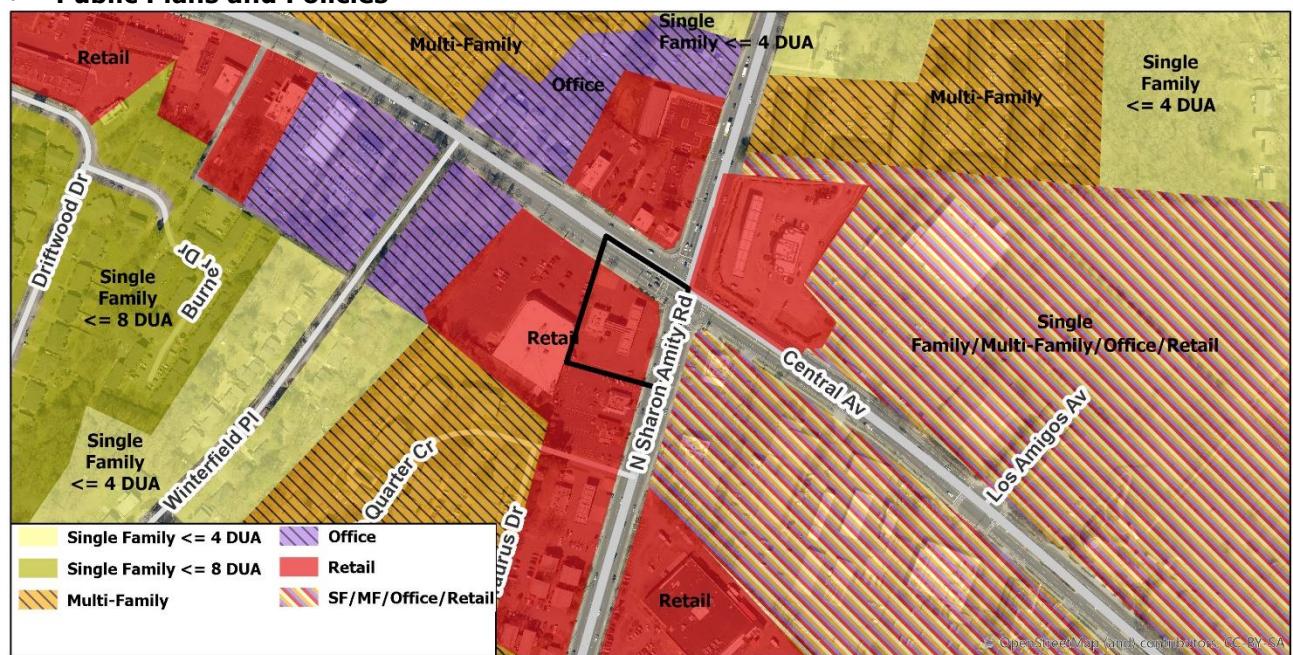
West of the site is Commonwealth High School.

- **Rezoning History in Area**



<b>Petition Number</b>	<b>Summary of Petition</b>	<b>Status</b>
2018-164	.92 acres north of the site on the west side of N. Sharon Amity Road to B-1(CD) (neighborhood business) to allow retail uses.	Approved
2019-055	4.19 acres northeast of the site on the north side of Central Avenue to MUDD-O (mixed use development district, optional) to allow a school and accessory uses.	Approved
2020-027	78 acres northeast of the site on the north side of Central Avenue (old Eastland Mall site) to MUDD-O to allow a mixed use center with residential, commercial, office, hotel and recreational uses.	Approved

- **Public Plans and Policies**



- The *Eastland Area Plan* (2003) recommends retail use for the site.

- **TRANSPORTATION SUMMARY**

- The site is at a signalized intersection located on Central Ave (Major Thoroughfare, City-maintained), Sharon Amity Rd (Major Thoroughfare, City-Maintained). There are currently no active projects near this site. This petition does not trigger a Traffic Impact Study (TIS) as it is a conventional rezoning. CDOT will work with the petitioner during permitting to determine infrastructure needs and improvements that will be required at that time.

- **Active Projects:**

- There are no active projects near the site.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant use).

Entitlement: 1,340 trips per day (based on 11,000 square feet of retail use).

Proposed Zoning: 1,765 trips per day (based on 16,500 square feet of retail use).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
  - **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
  - **Charlotte Department of Solid Waste Services:** No outstanding issues.
  - **Charlotte Fire Department:** No outstanding issues.
  - **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses. Both existing B-1 and proposed B-2 zoning allow residential use. If residential development is built under the existing or proposed zoning it could generate 24 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0 students
    - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
      - Winterfield Elementary at 126%
      - Eastway Middle at 117%
      - Garinger High at 117%.
  - **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along N Sharon Amity Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along N Sharon Amity Rd.
    - No outstanding issues.
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No outstanding issues.
    - **Land Development:** No outstanding issues.
    - **Storm Water Services:** No outstanding issues.
    - **Urban Forestry:** No outstanding issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
  - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** John Kinley (704) 336-8311



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 17. **File #:** 15-15568 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-188 by Shaun Gasparini, True Homes, LLC**

**Location:** Approximately 11.49 acres located near 13230 Plaza Road, near the Mecklenburg/Cabarrus County line. (ETJ - Closest to District 4 - Johnson)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** R-8 MF (multi-family residential)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-188**

**March 30, 2021**

### **REQUEST**

Current Zoning: R-3 (residential)  
Proposed Zoning: R-8 MF (multi-family residential)

### **LOCATION**

Approximately 11.49 acres located near 13230 Plaza Road, near the Mecklenburg/Cabarrus County line.

(Outside City Limits)

### **PETITIONER**

Shaun Gasparini, True Homes, LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Rocky River Road Area Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to eight dwelling units per acre (DUA) for the site.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The request is consistent with adopted land use policy for the site.
- The increase in density is reasonable as the site is close to existing neighborhood services such as grocery stores, banks, and gas stations.
- The requested district is contextually appropriate as it is already present on this portion of Plaza Road Extension.
- The requested density and the resulting entitled housing types satisfies land use goals from the Rocky River Road area by "encouraging a mixture of housing types" and "allowing intensification of land uses in areas with complimentary uses and supporting infrastructure."

Motion/Second: Nwasike / Welton

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused:            None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was a brief discussion on how this project would be permitted (as the total project is split by the Meck./Cabarrus County line) and was noted that it would occur jointly with the town of Harrisburg.

There was no further discussion of this petition.

**PLANNER**

William Linville (704) 336-4090

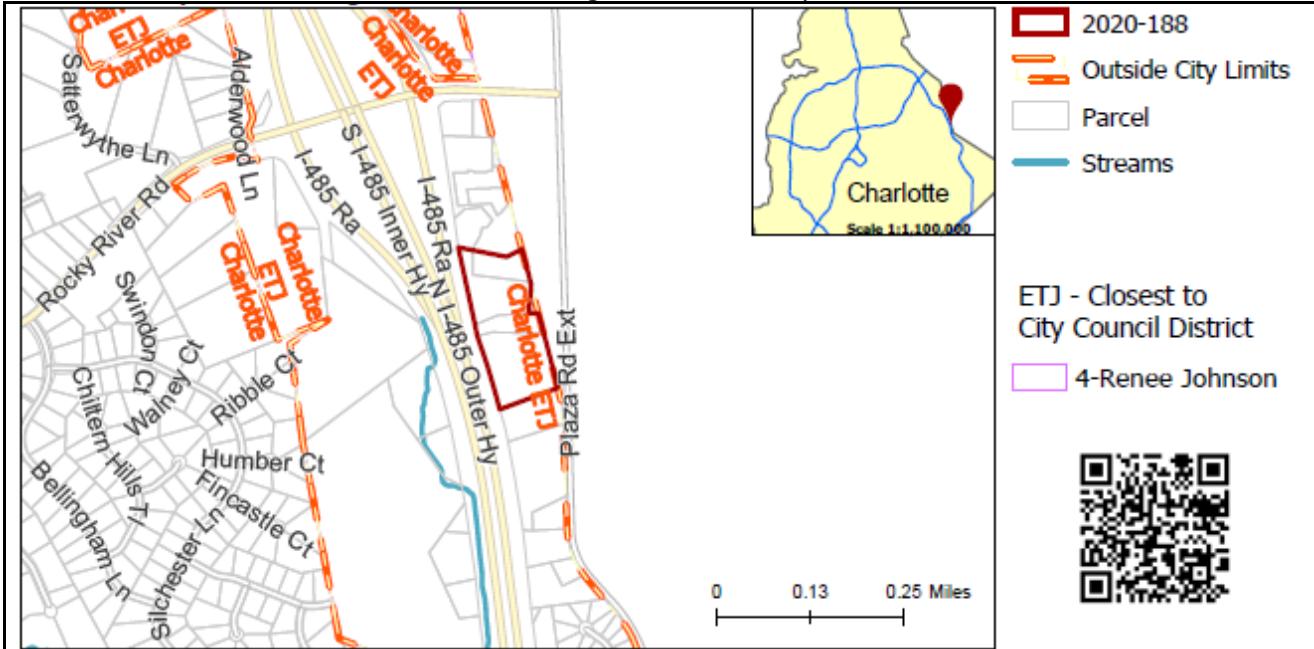
**REQUEST**

Current Zoning: R-3 (residential)

Proposed Zoning: R-8MF (multi-family residential)

**LOCATION**

Approximately 11.49 acres located near 13230 Plaza Road, near the Mecklenburg/Cabarrus County line.



**SUMMARY OF PETITION**

The petition proposes to conventionally rezone a 4-parcel assemblage containing detached single family homes and associated outbuildings to permit all uses allowed by-right and under prescribed conditions in the R-8MF zoning district.

**PROPERTY OWNERS**

Multiple

**PETITIONER**

Shaun Gasparini, True Homes, LLC

**AGENT/REPRESENTATIVE**

Eddie Moore, McAdams

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Rocky River Road Area Plan's* (2006) recommendation for residential uses up to eight dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The request is consistent with adopted land use policy for the site.
- The increase in density is reasonable as the site is close to existing neighborhood services such as grocery stores, banks, and gas stations.
- The requested district is contextually appropriate as it is already present on this portion of Plaza Road Extension.
- The requested density and the resulting entitled housing types satisfies land use goals from the Rocky River Road area by "encouraging a mixture of housing types" and "allowing

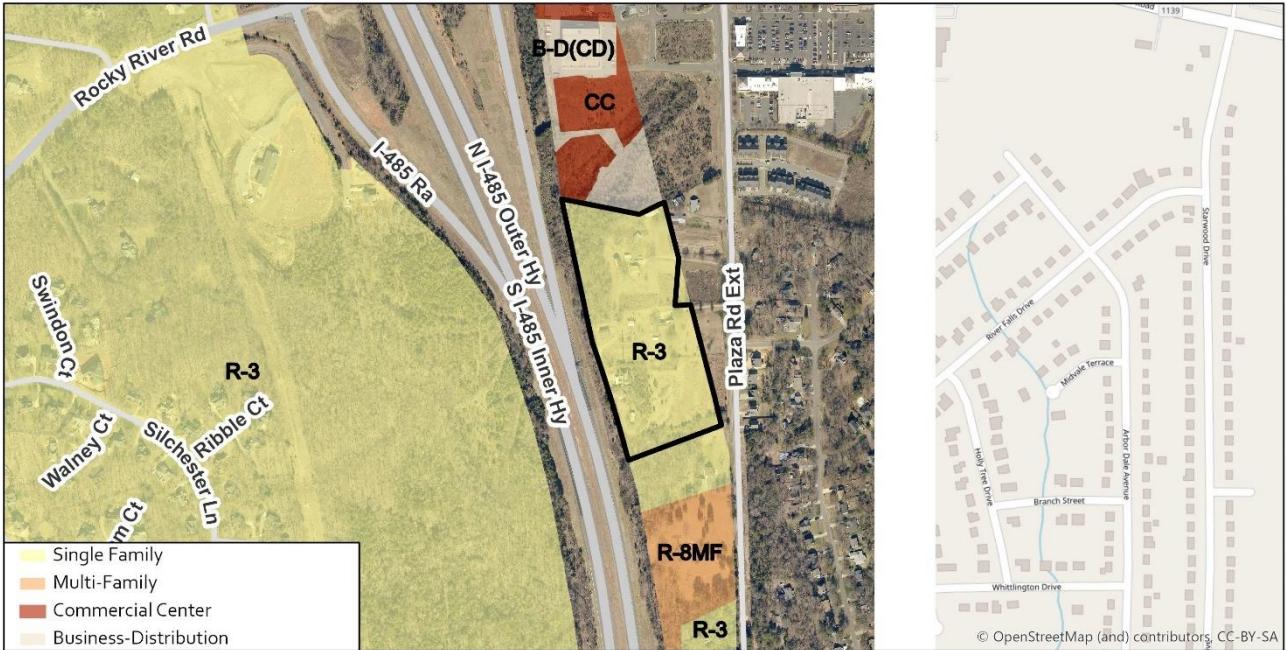
intensification of land uses in areas with complimentary uses and supporting infrastructure."

### PLANNING STAFF REVIEW

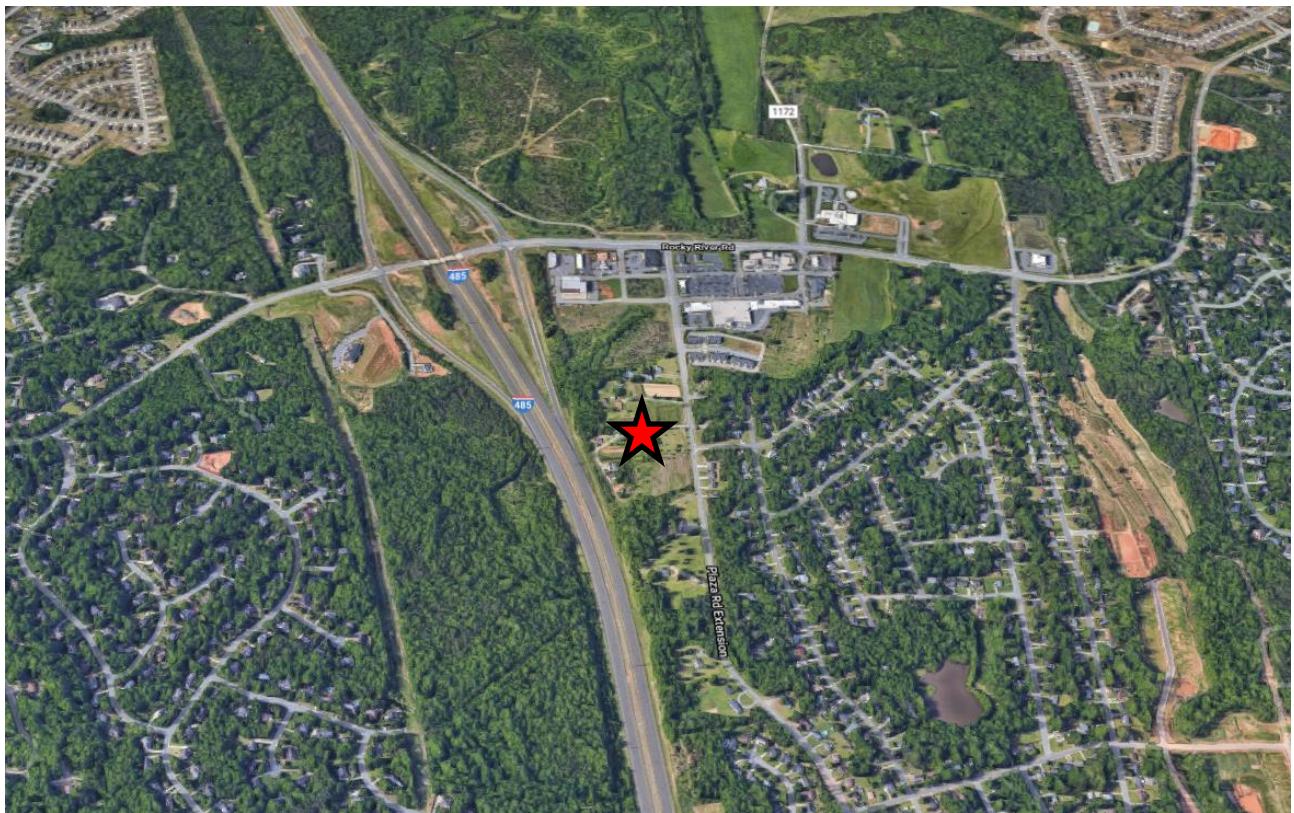
- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

- **Existing Zoning and Land Use**



There have been no historic rezonings of any parcels within the subject property. The site lies along the western portion of Plaza Road Extension, just south of its intersection with Rocky River Road. Areas north of this site have been rezoned in recent years to accommodate non-residential development. Areas east of Plaza Road Extension are in the town of Harrisburg's zoning jurisdiction and are developed with single family detached homes.



General location of subject property denoted by red star.

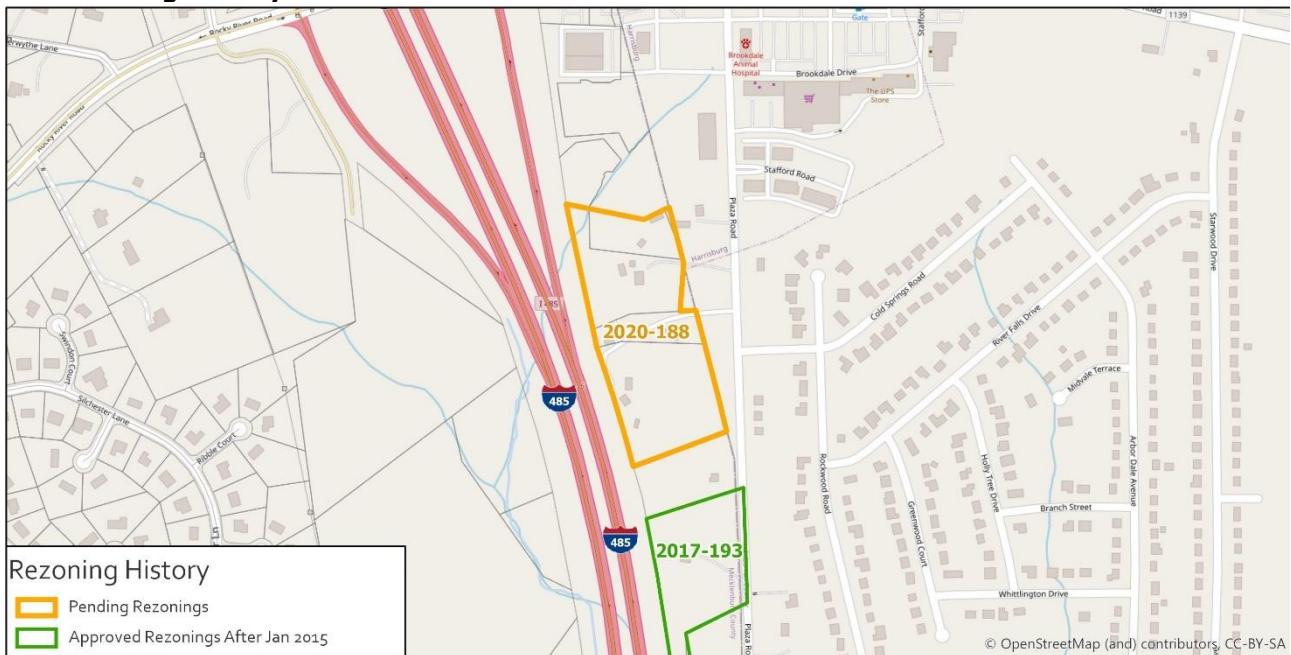


Streetview along Plaza Road Extension looking toward the subject property. The subject property's easternmost rezoning boundary is illustrated in a white dotted line.



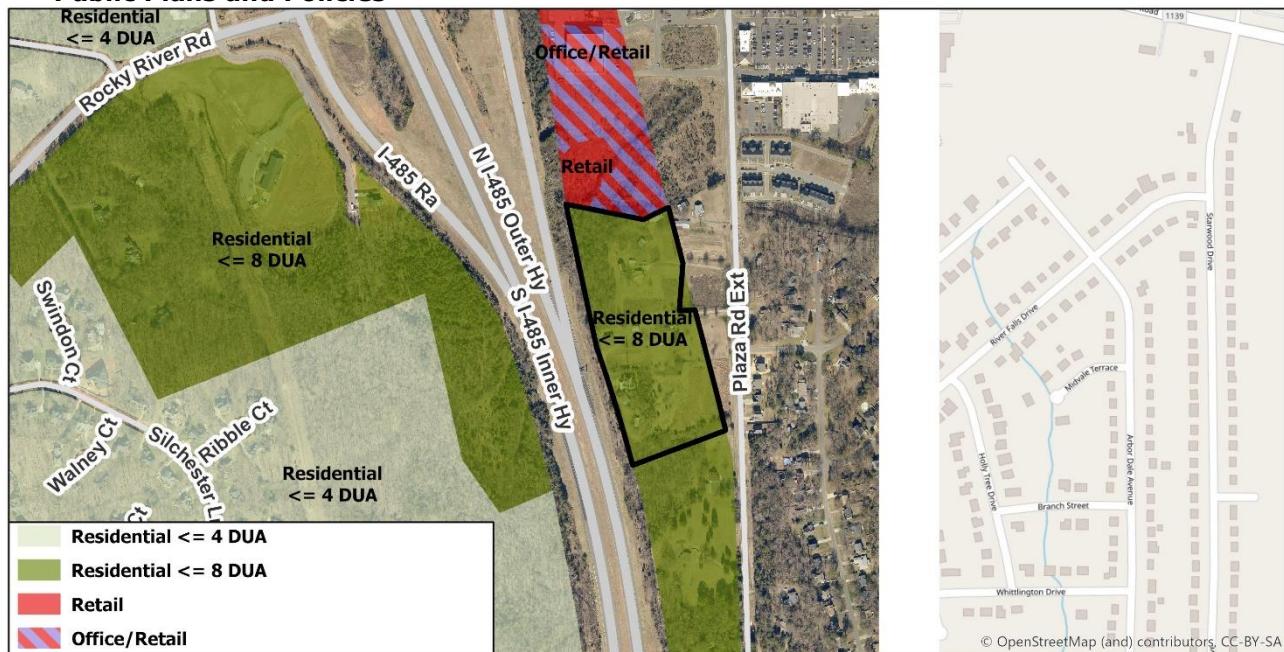
Streetview looking south along Rocky River Road illustrating a non-residential neighborhood node.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-193	Petition to conventionally rezone from R-6 to R-8MF.	Approved

- Public Plans and Policies**



- The *Rocky River Road Area Plan* (2006) recommends residential uses up to 8 DUA for the subject property.
- TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained local street (Plaza Road) and is adjacent to Interstate 485, less than .5 mile from the border with Cabarrus County. As this is a conventional rezoning petition, a Traffic Impact Study (TIS) is not required at this time; however CDOT will work with the petitioner during permitting to determine development requirements.
- Active Projects:**
  - N/A
- Transportation Considerations**
  - No outstanding issues.
- Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 20 trips per day (based on 2 dwellings).  
Entitlement: 390 trips per day (based on 34 dwellings).  
Proposed Zoning: 650 trips per day (based on 91 dwellings).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte Fire Department:** No outstanding issues.
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 19 students, while the development allowed under the proposed zoning may produce 24 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is five students.
  - Choose an item.
    - Reedy Creek Elementary from 123% to 125%
    - Northridge Middle remains at 106%
    - Rocky River High remains at 81%
- Charlotte Water:** Charlotte water currently does not have water or sewer system infrastructure available for the rezoning boundary. The closest water distribution main and sewer main are approximately 1,500 feet and 3,000 feet away, respectively. A developer donated project will be required in cases where there is not direct service. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** William Linville (704) 336-4090



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 18. **File #:** 15-15569 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-189 by 5110 Gable Road, LLC**

**Location:** Approximately 2.66 acres located east of Gable Road and south of Shopton Road. (ETJ;  
Closest to District 3 - Watlington)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** I-2 (general industrial)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-189**

**March 30, 2021**

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**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: I-2 (general industrial)

**LOCATION**

Approximately 2.66 acres located east of Gable Road and south of Shopton Road.  
(Council District 3 - Watlington)

**PETITIONER**

5110 Gable Road LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Steele Creek Area Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office, industrial, and warehouse-distribution for the site.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The proposed rezoning is consistent with the adopted land use recommendations for this site and surrounding area.
- The site is located within the Shopton Road Industrial Activity Center as per the Centers, Corridors and Wedges Growth Framework.
- The surrounding parcels are all zoned for industrial uses.

Motion/Second: Kelly / Welton

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nay: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

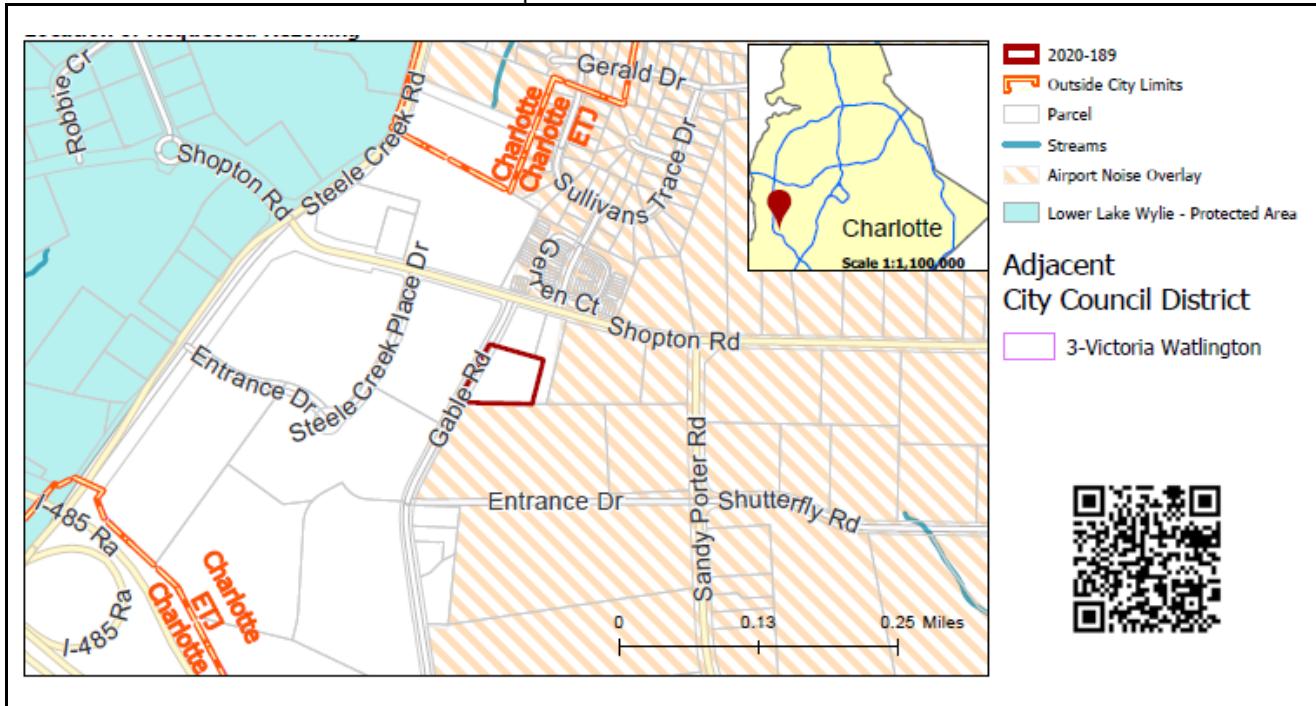
Joe Mangum (704) 353-1908

**REQUEST**

Current Zoning: R-3 (single family residential)  
Proposed Zoning: I-2 (general industrial)

**LOCATION**

Approximately 2.66 acres located east of Gable Road and south of Shopton Road.



**SUMMARY OF PETITION**

The petition proposes to rezone a portion of a parcel developed with one single family home to conventional I-2 to bring the entire parcel under industrial zoning.

**PROPERTY OWNER**

5110 Gable Road LLC

**PETITIONER**

5110 Gable Road LLC

**AGENT/REPRESENTATIVE**

Matthew Ohmann, The Morgan Landscape Group

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

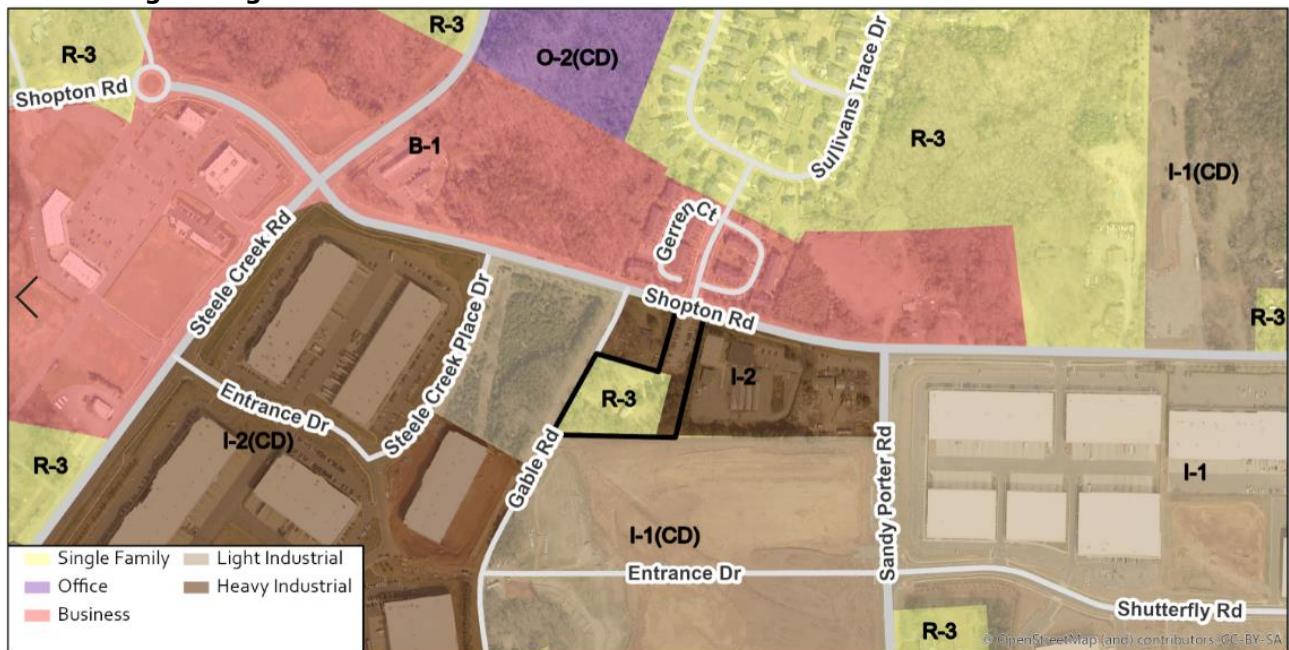
The petition is **consistent** with the office, industrial, warehouse-distribution land use for this site as per the *Steele Creek Area Plan*.

Rationale for Recommendation

- The proposed rezoning is consistent with the adopted land use recommendations for this site and surrounding area.
- The site is located within the Shopton Road Industrial Activity Center as per the *Centers, Corridors and Wedges Growth Framework*.
- The surrounding parcels are all zoned for industrial uses.

**PLANNING STAFF REVIEW****• Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

**• Existing Zoning and Land Use**

The existing site is zoned R-3 and I-2. The surrounding land uses include industrial and business zoned properties.



The site is surrounded by a mix of uses including warehouses, a landscaping contractor, and a garden center. The site is marked by a red star.



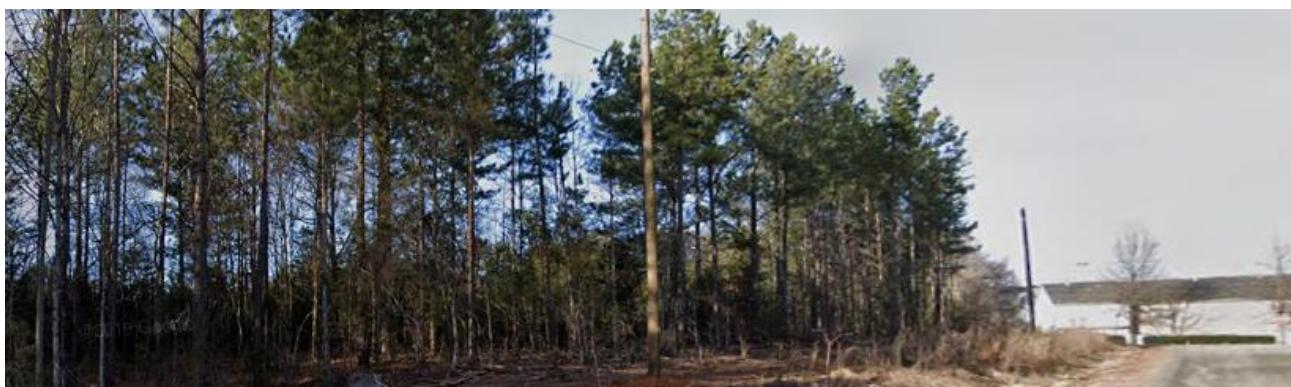
The property to the north is developed with one single family home.



The property to the east is developed with a garden center.



The property to the south is being developed with up to 525,000 square feet of industrial, office, and distribution uses.



The property to the west is vacant wooded land.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-148	The petition amended an approved I-2(CD) plan to revise the orientation and layout of a proposed building located in an existing industrial business park and eliminated a buffer due to a change in zoning classification of an adjacent parcel.	Approved
2016-009	The petition rezoned 48.8 acres to I-1(CD) to allow the development of up to 525,000 square feet of industrial, office, and distribution uses.	Approved

- Public Plans and Policies**



- The Steele Creek Area Plan recommends office, industrial, warehouse-distribution land uses for this site.

- **TRANSPORTATION SUMMARY**

- This site is located on Gable Road, an existing State-maintained collector road, in between Steele Creek Road and Sandy Porter Road. In accordance with the City's Ordinances and Policies, CDOT will work with the petitioner during permitting to contribute to and improve the existing pedestrian and vehicular network associated with the surrounding industrial-zoned area as applicable.

- **Active Projects:**

- CIP Project: Sandy Porter Road and South Tryon Street Intersection Improvements
- This project will make improvements to multiple intersections along Sandy Porter Road and South Tryon Street. Potential improvements include additional lanes, medians, bicycle facilities, planting strips and other amenities.
- Currently in real estate acquisition phase.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family dwelling).

Entitlement: 95 trips per day (based on 7 single family dwellings).

Proposed Zoning: 110 trips per day (based on 39,900 square feet of warehouse).

#### **DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Water and sewer service is accessible for this rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No comments submitted.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704-353-1908)



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 19. **File #:** 15-15570 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-190 by Northwood Ravin**

**Location:** Approximately 1.3 acres located along the west side of South Kings Drive, east of Kenilworth Avenue, and south of Charlottetowne Avenue. (Council District 1 - Egleston)

**Current Zoning:** MUDD-O (mixed-use development, optional)

**Proposed Zoning:** MUDD-O SPA (mixed-use development, optional, site plan amendment)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-190**

**March 30, 2021**

### **REQUEST**

Current Zoning: MUDD-O (mixed-use development, optional)  
Proposed Zoning: MUDD-O SPA (mixed use-use development, optional, site plan amendment)

### **LOCATION**

Approximately 1.3 acres located along the west side of South Kings Drive, east of Kenilworth Avenue, and south of Charlottetowne Avenue.  
(Council District 1 - Egleston)

### **PETITIONER**

Northwood Ravin

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Midtown Morehead Cherry Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends residential/office land uses, as amended via petition 2014-030.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The current rezoning plan allows up to 155 multi-family residential units and/or a 175-room hotel.
- The number of residential units proposed is equal to the approved number of residential units and hotel rooms.
- The site plan amendment request limits the modifications to conversion of hotel room entitlements to residential units with minor adjustments to transportation improvements.
- The proposed development is compatible with the surrounding uses.

Motion/Second: Barbee / Blumenthal

Yea: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan as amended by petition

2014-030. Staff clarified that the proposed number of residential units is equal to the number of approved residential units and hotel rooms combined. Staff noted minor transportation adjustments as well as removal of optional requests pertaining to signage given the conversion of the hotel rooms to residential units. There was no discussion of this request.

**PLANNER**

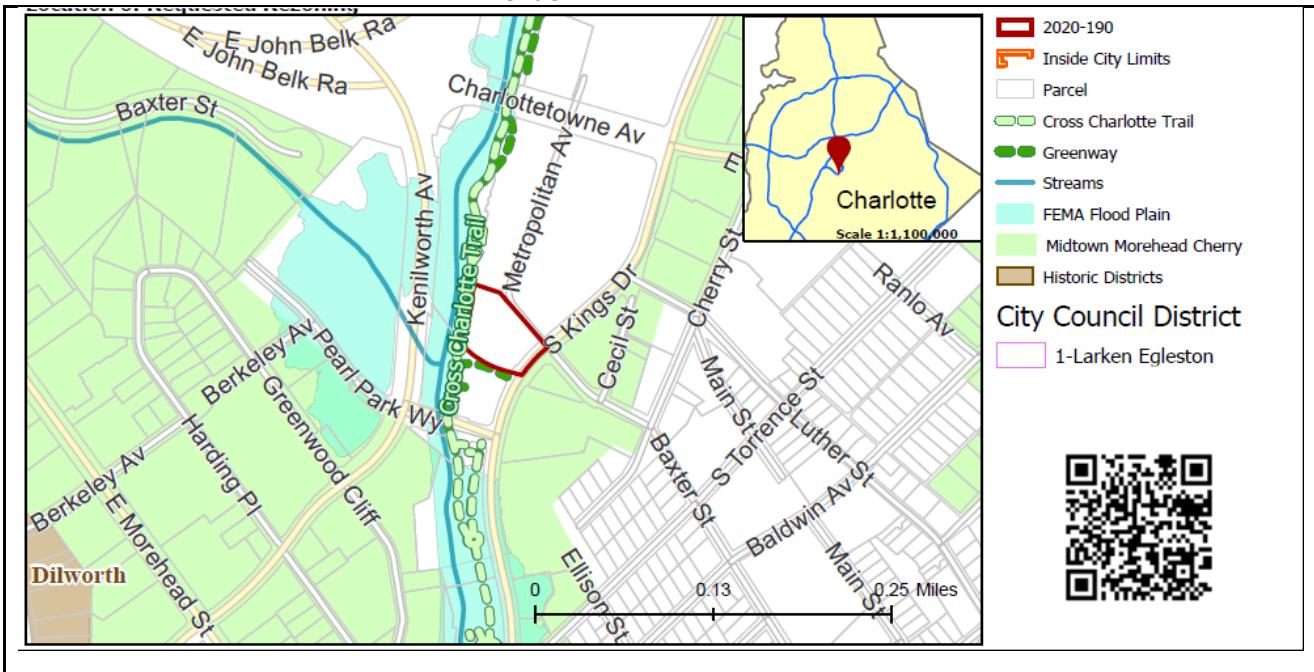
Claire Lyte-Graham (704) 336-3782

**REQUEST**

Current Zoning: MUDD-O (mixed-use development, optional)  
Proposed Zoning: MUDD-O SPA (mixed use-use development, optional, site plan amendment)

**LOCATION**

Approximately 1.3 acres located along the west side of South Kings Drive, east of Kenilworth Avenue, and south of Charlottetowne Avenue.



**SUMMARY OF PETITION**

The petition proposes a site plan amendment to a portion of the Metropolitan planned development to convert hotel room entitlements to residential units for a previously approved 285-foot high building.

**PROPERTY OWNER**

NR Met Property Owner LP

**PETITIONER**

Northwood Ravin

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins/Alexander Ricks PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 15

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the Midtown Morehead Cherry Area Plan with the residential/office land use recommendation, as amended via petition 2014-030.

Rationale for Recommendation

- The current rezoning plan allows up to 155 multi-family residential units and/or a 175-room hotel.
- The number of residential units proposed is equal to the approved number of residential units and hotel rooms.
- The site plan amendment request limits the modifications to conversion of hotel room entitlements to residential units with minor adjustments to transportation improvements.

- The proposed development is compatible with the surrounding uses.

## PLANNING STAFF REVIEW

### • Background

- The subject property was part of a larger rezoning in 2005 for the Metropolitan development, Petition 2005-60, that rezoned 26.6 acres on the west side of South Kings Drive, south of East Third Street and north of Baxter Street to MUDD-O (mixed use development, optional) and UR-C(CD) (urban residential-commercial, conditional) to accommodate a "mixed-use village". The development rights for the subject property identified as "Component C" allows the following:
  - 413,000 square feet of commercial uses (retail and restaurants);
  - 256 residential units;
  - Conversion rights allow flexibility between the allowed uses.
  - Limited primary residential building to 250 feet in height.
  - Limited primary office building to 165 feet in height.
- Subject property has been developed with approximately 192,000 square feet of retail/restaurant uses, 183,000 square feet of office uses, and 101 residential units.
- Petition 2014-030 approved a site plan amendment to the subject parcel to allow up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms in a building not to exceed 285 feet. The development rights for the subject site per petition 2014-030 allows the following:
  - One building containing a maximum of 155 multi-family dwelling units and/or a 175-room hotel.
  - Up to 25 additional residential units may be added by converting hotel rooms at a rate of one for one.
  - Up to 25 additional hotel rooms may be added by converting residential dwelling units at a rate of one for one.
  - Building materials include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, and stucco and tile cladding. Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials.
  - Building facades designed to reduce mass, scale and appearance of large unadorned walls. Specific frontage types are identified as a) greenway entry; b) park protection; and c) urban edge, with architectural guidelines provided for each.
  - Endeavor to enter into an agreement with County Parks and Recreation to provide shared site elements that may be located on the site and/or the adjoining park property including, but not limited to, bathrooms, gathering space, outdoor seating areas, storage and landscaping areas. In addition, will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
    - Optional provisions were approved as follows:
      - Building height of up to 285 feet.
      - Allow two detached signs with 36 square feet of sign area and up to five feet in height.
      - Allow two wall signs with up to 400 square feet of sign surface area for each tenant and/or use to be located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign face area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors.
      - Allow up to 300 square feet of digital wall signage that may be used to (i) advertise and identify tenants and merchandise located and sold at Metropolitan, (ii) advertise and identify events occurring at Midtown Park and on the Sugar Creek Greenway, and (iii) as a screen for motion pictures (e.g. movies, TV shows and the like), and (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events. The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and major events for a majority of the time the sign is in use.
      - Limit the location of proposed digital wall signs to the portion of the building wall that faces South Kings Drive and the first 30 linear feet of the building wall that faces

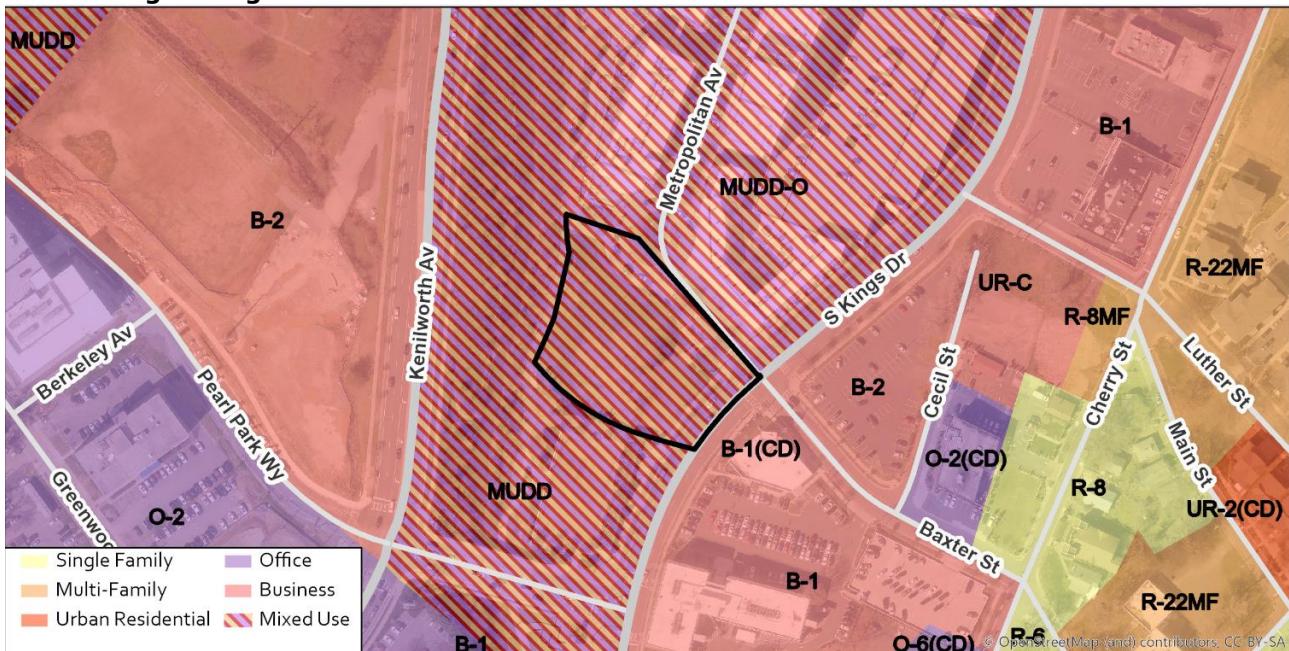
Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Allow up to 330 multi-family dwelling units together with accessory uses, as allowed in the MUDD zoning district.
- Notes landscape island/associated lighting may be removed to accommodate proposed development.
- Notes required planting strip and sidewalk to be included within the 16-foot setback along South Kings Drive. **Labels 8-foot sidewalk and 8-foot planting strip along South Kings Drive.**
- **Notes that the proposed streetscape along Metropolitan Avenue will be a 6-foot sidewalk and trees with grates (5 feet wide).**
- Labels 40-foot right-of-way from centerline of South Kings Drive.
- **Notes existing curb on South Kings Drive to remain. Restrict movement at this driveway to right-in/right-out with a combination of an internal channelized median signage. Petitioner will work with staff during Land Development permitting on final design of this driveway configuration.**
- Notes architectural lighting such as but not limited to sconces, uplighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.
- Modifies Architectural Guidelines Note 5.h to read "The design of the focal point feature will be submitted to the Planning Director or designee for review and comment as part of the MUDD review for the site."
- **Removes previous optional provision language pertaining to signage and replaces with note that signage will comply with ordinance.**

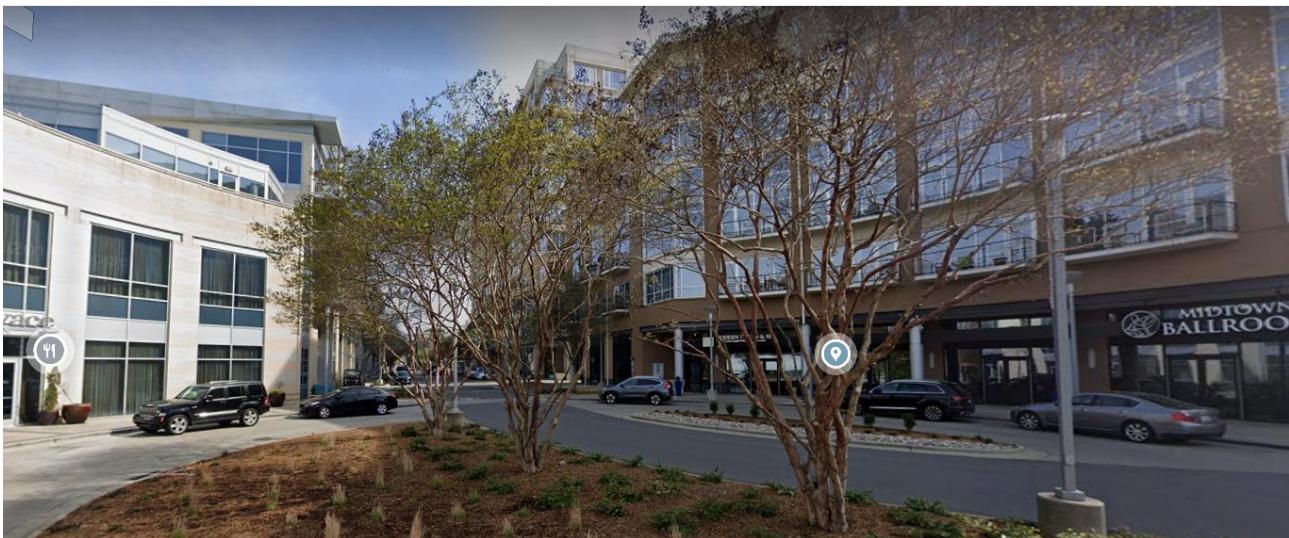
- **Existing Zoning and Land Use**



- The site is currently vacant and abuts the Metropolitan and the Little Sugar Creek Greenway. The site is surrounded by a mix of residential and non-residential uses on parcels in various zoning districts.
- The site is part of a larger 26-acre site rezoned via 2005-060 to accommodate a mixed use village. Petition 2014-030 approved a site plan amendment to the subject parcel to allow up to 155 multi-family dwelling units and/or a hotel with up to 175 hotel rooms in a building not to exceed 285 feet.



The site is currently vacant.



The site is part of the larger Metropolitan mixed-use development.

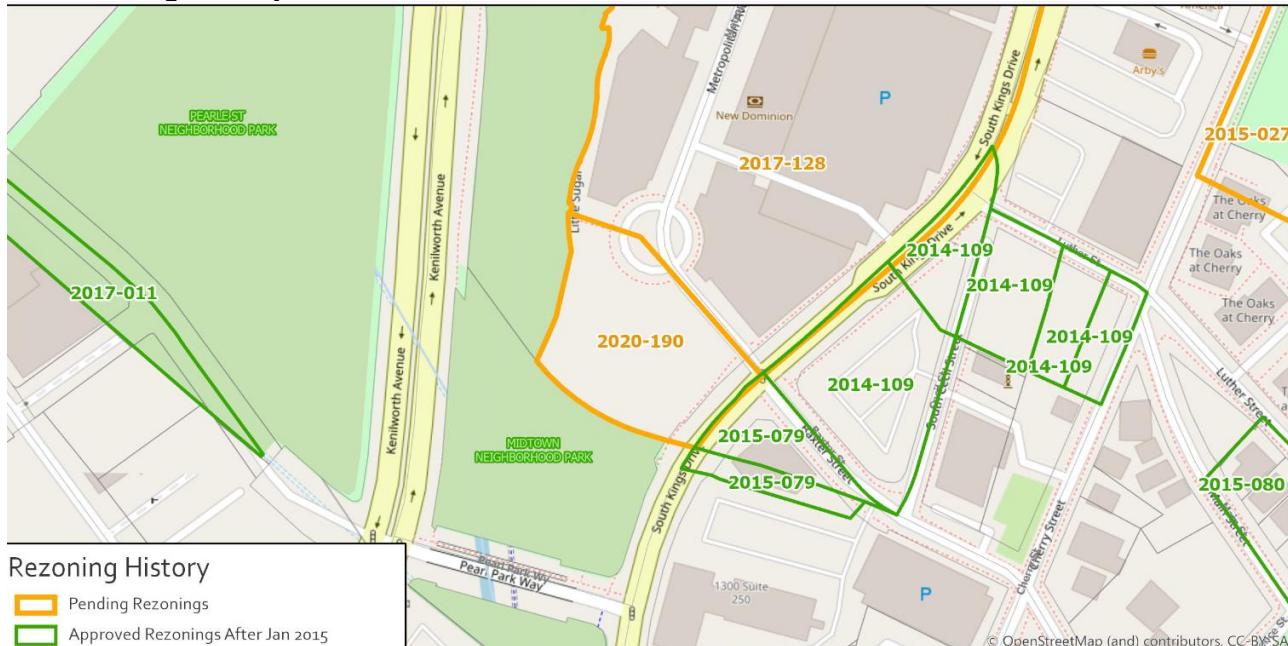


A portion of the site abuts the Little Sugar Creek Greenway/Cross Charlotte Trail.



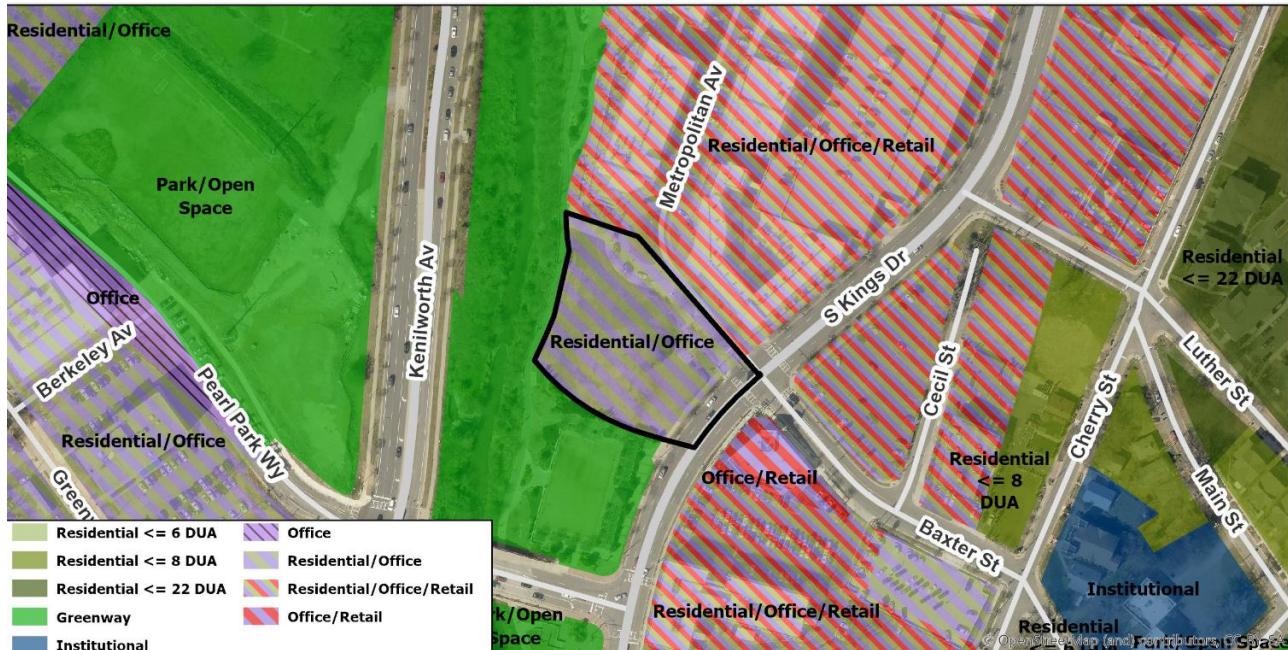
The site is surrounded by a mix of residential and non-residential uses (denoted by the purple star) and is just outside of Uptown.

### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2017-128	MUDD-O SPA for 8.04 acres	Pending
2015-080	Rezoned 0.40 acres to UR-2(CD)	Approved
2015-079	Rezoned 0.30 acres to B-1(CD) PED	Approved
2015-027	Rezone 3.031 acres to UR-C(CD)	Pending
2014-109	Rezoned 1.99 acres to B-2, UR-C, and R-8MF, all in pedestrian overlay	Approved

### • Public Plans and Policies



- The *Midtown Morehead Cherry Plan* (2012) recommends office/residential, as amended by petition 2014-030.

**• TRANSPORTATION SUMMARY**

- The site is located on a City-maintained, major thoroughfare (South Kings Drive) and a private local road (Metropolitan Avenue). The existing 8-foot sidewalk and 8-foot planting strip, along South Kings Drive, meet ordinance requirements and provide pedestrian connectivity and accessibility in accordance with Council-Approved Charlotte Walks Plan. Additionally, the petitioner commits to dedicating 40' of Right-of-way from the South Kings Drive centerline. All outstanding CDOT comments have been successfully addressed.

**• Active Projects:**

- Belk Greenway Connector – Baxter Street to Stonewall Street
  - On Hold pending resolution of NCDOT funding suspension
  - <https://charlottenc.gov/Projects/Pages/BelkConnectorBaxterStonewall.aspx>
- Pearl Park Way Extension and Kenilworth protected intersection
  - Extend Pearl Park Way westward from its current street stub to Baxter St., including a 2-way cycletrack on the north side of the street
  - Construct Protected Intersection at the intersection of Kenilworth Ave./Pearl Park Way
  - Construction of the Extension almost complete
  - Construction of the protected intersection underway

**• Transportation Considerations**

○ See Outstanding Issues, Notes 1-3. Addressed

**• Vehicle Trip Generation:**

Current Zoning:

Existing Use: Vacant

Entitlement: 2,392 trips per day (based on 155 apartment units and 175-room hotel; petition 2014-030)

Proposed Zoning: 1,800 trips per day (based on 330 apartment units).

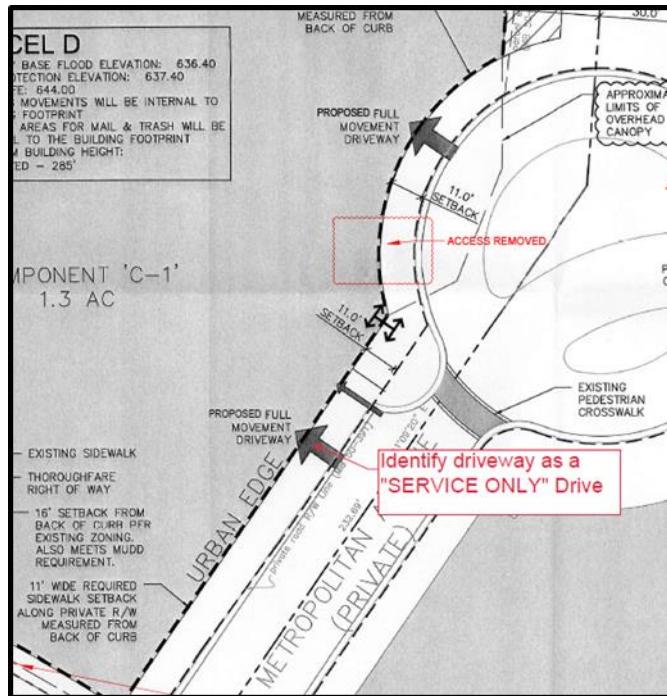
**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 28 students, while the development allowed under the proposed zoning may produce 60 students. Therefore, the net increase in the number of students from existing zoning to proposed is 32 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Dilworth (Sedgefield Campus K-2) from 68% to 73%
    - Dilworth (Latta Campus 3-5) remains at 59%
    - Sedgefield Middle from 72% to 74%
    - Myers Park High remains at 121%
  - See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along S Kings Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 10-inch gravity sewer main located along the center of the rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Outstanding Issues, Notes 5-6. Addressed
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. Revise site plan and conditional notes to commit to constructing a Service Only driveway. Label the south most driveway on Metropolitan Avenue as a Service Only driveway. **Addressed**



2. A site plan note(s) specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights of way set at 2' behind back of sidewalk where feasible. **Addressed**
3. A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. **Addressed**

### Site and Building Design

4. Please remove all optional provisions regarding signage and replace with a note stating that signage will meet ordinance requirements. **Addressed**
5. Label width of planting strip and sidewalk along South Kings Drive. **Addressed**
6. Clarify streetscape along Metropolitan Avenue and specify if it will be sidewalk, planting strip, or trees with grates. Label widths of these proposed improvements. **Addressed**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782







# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 20. **File #:** 15-15571 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-191 by Central Avenue Karyae, LLC**

**Location:** Approximately 0.075 acre located on the south side of Central Avenue, east of Pecan Avenue and west of Thomas Avenue. (Council District 1 - Egleston)

**Current Zoning:** B-2 PED (general business, pedestrian overlay)

**Proposed Zoning:** B-2 PED (O) (general business, pedestrian overlay-optional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-191**

**March 30, 2021**

### **REQUEST**

Current Zoning: B-2 PED (general business, pedestrian overlay)  
Proposed Zoning: B-2 PED(O) (general business, pedestrian overlay-optional)

### **LOCATION**

Approximately 0.075 acres located on the south side of Central Avenue, east of Pecan Avenue and west of Thomas Avenue.  
(Council District 1 - Egleston)

### **PETITIONER**

Central Avenue Karyae LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Plaza Central Pedscape Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends office/retail/multi-family residential uses greater than 12 units per acre with a pedestrian overlay.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The site is located on Central Avenue, which is a commercial corridor.
- The property is located within the heart of the Plaza Midwood business district where the *Plaza Central Pedscape Plan* identifies the preservation of the historic character as a priority.
- The proposal will preserve an existing building in the business district.
- The Gold Line streetcar is proposed to run along Central Avenue in front of this site, which will provide an alternative mode of transportation.

Motion/Second: Welton / Barbee

Yea: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. Staff noted that since the public hearing an additional note to the site plan permitting minor renovations or expansions up to 20% of the gross square feet. A Commissioner commented that this project is a good example of reuse of an existing building. A Commissioner asked if this petition is the smallest rezoning thus far, and staff responded that it was one of the smaller requests. The Commissioner inquired about the possible expansion of the building, and staff responded that the 20% represented the maximum allowed under the present request, and that expansion over the 20% would require another application. There was no further discussion of this request.

**PLANNER**

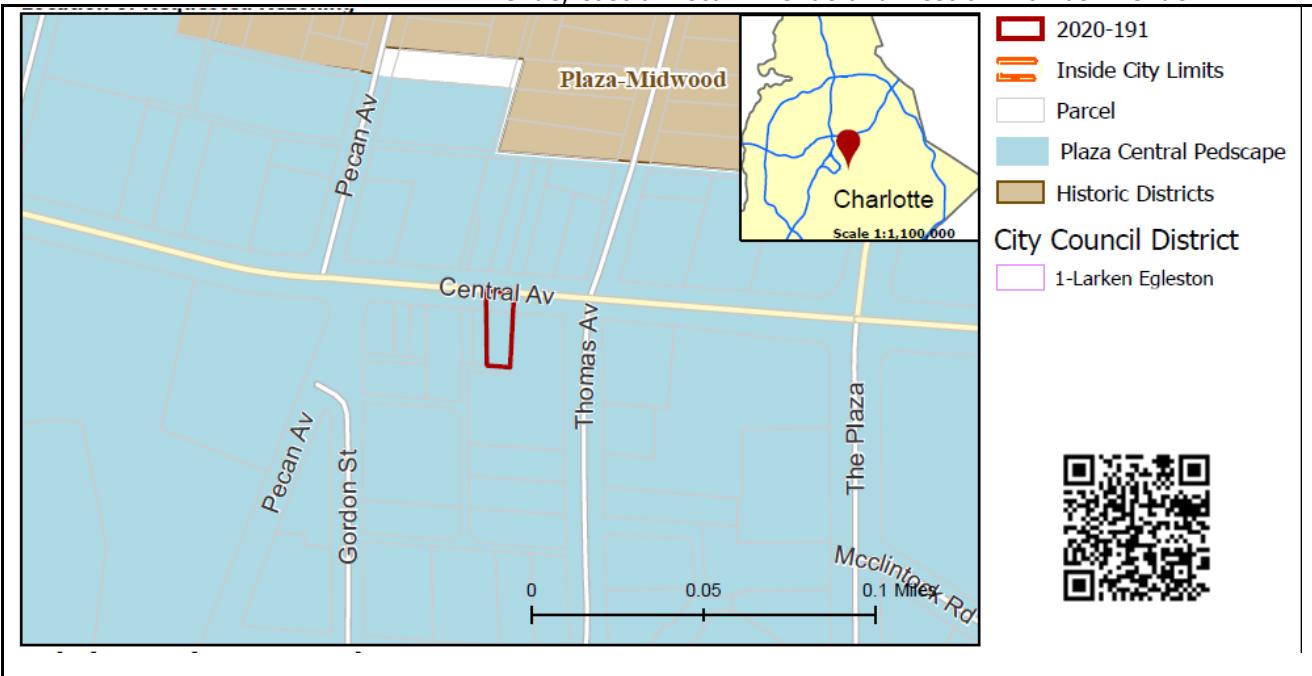
Claire Lyte-Graham (704) 336-3782

**REQUEST**

Current Zoning: B-2 PED (general business, pedestrian overlay)  
Proposed Zoning: B-2 PED(O) (general business, pedestrian overlay-optional)

**LOCATION**

Approximately 0.075 acres located on the south side of Central Avenue, east of Pecan Avenue and west of Thomas Avenue.



**SUMMARY OF PETITION**

The petition proposes to allow flexibility in parking requirements in order to preserve an existing building in the Plaza Midwood business community.

**PROPERTY OWNER**

Central Avenue Karyae LLC

**PETITIONER**

Central Avenue Karyae LLC

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins/Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 2

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

This petition is **consistent** with the *Plaza Central Pedscape Plan* recommendation for office/retail/multi-family residential uses greater than 12 units per acre with a pedestrian overlay.

Rationale for Recommendation

- The site is located on Central Avenue, which is a commercial corridor.
- The property is located within the heart of the Plaza Midwood business district where the *Plaza Central Pedscape Plan* identifies the preservation of the historic character as a priority.
- The proposal will preserve an existing building in the business district.

- The Gold Line streetcar is proposed to run along Central Avenue in front of this site, which will provide an alternative mode of transportation.

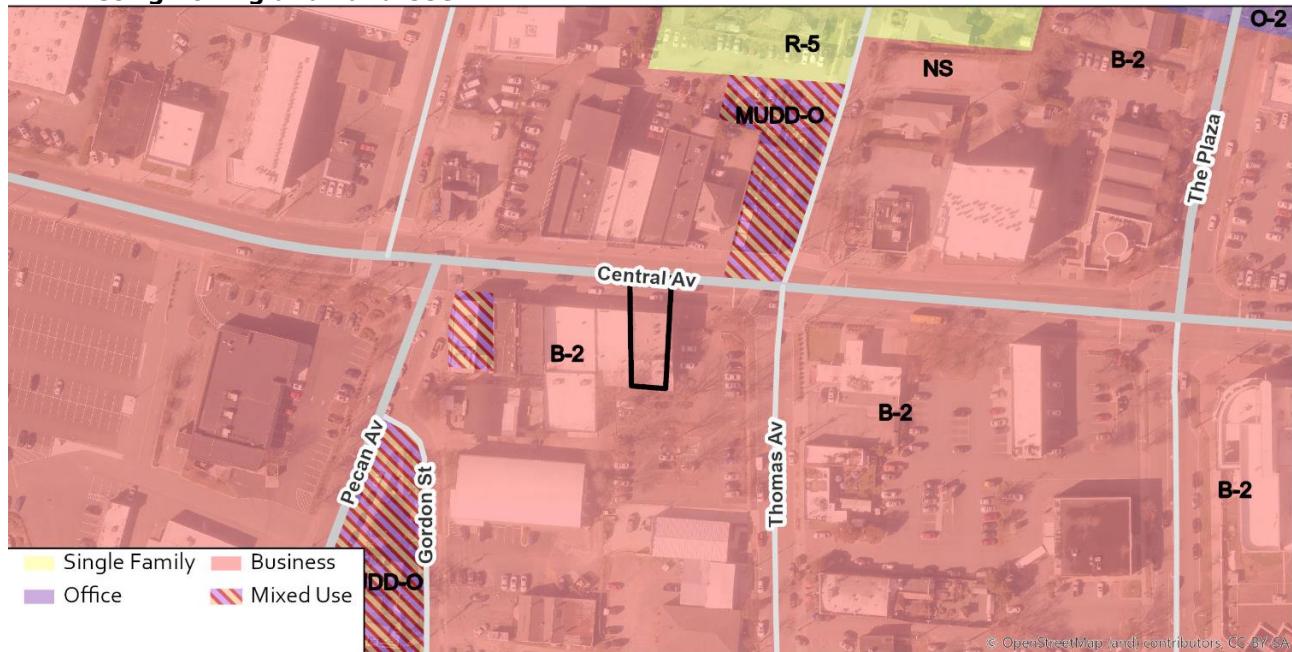
## PLANNING STAFF REVIEW

### • Proposed Request Details

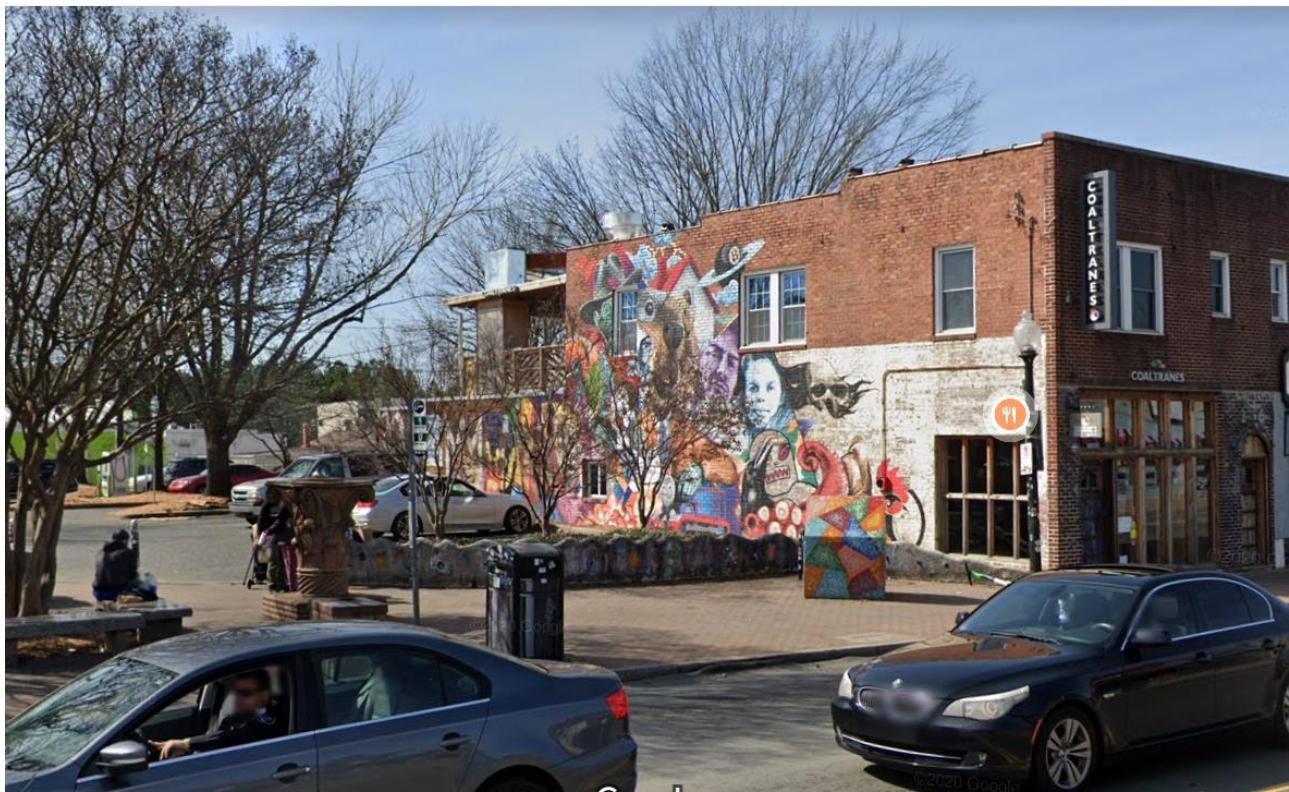
The site plan accompanying this petition contains the following provisions:

- Allow non-residential uses in an existing building as permitted by right and under prescribed conditions in the B-2 PED zoning district.
- Propose to utilize existing building which will be preserved but may be expanded (small portions of the existing building may be removed to allow for minor renovations and expansions).
- Notes the petitioner may make minor renovations or expansions up to 20% of the **gross square feet (approximately 1,008 square feet)**.
- Requests the following optional provisions:
  - Allow the existing building to continue to be used with uses allowed in the B-2 PED zoning district without having to provide on-site or off-site vehicular parking spaces.
  - Not require additional parking spaces for change of uses (e.g. change of use from a retail use to EDEE uses).
  - Not require additional parking spaces if the building is expanded with proposed ancillary building area as allowed by this petition.
  - To not require installation of streetscape improvements along Central Avenue when change of uses or building expansions occur.
  - Allow the addition of outdoor dining areas, including roof top dining areas without requiring any additional parking to be provided.

### • Existing Zoning and Land Use



- The site is developed with a 2-story, 5,040 square foot commercial building constructed in 1930 and is immediately surrounded by commercial and residential uses zoned B-2 (general business) and MUDD-O, with several parcels located within the Plaza-Central Pedscape Overlay. Further north of the Central Avenue Business Corridor are residential neighborhoods and south of the rezoning site are more commercial uses.



The site is developed with a commercial building that abuts the Thomas Street Parking Lot in Plaza Midwood.

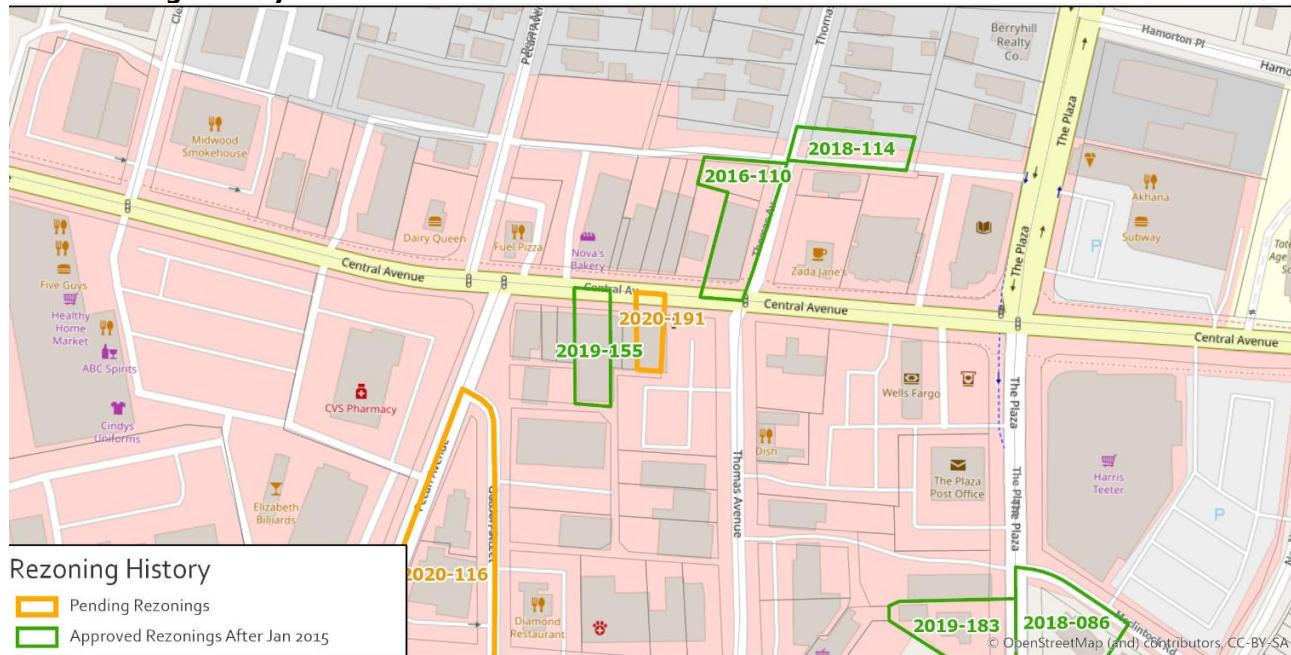


Along Central Avenue are commercial and residential uses.



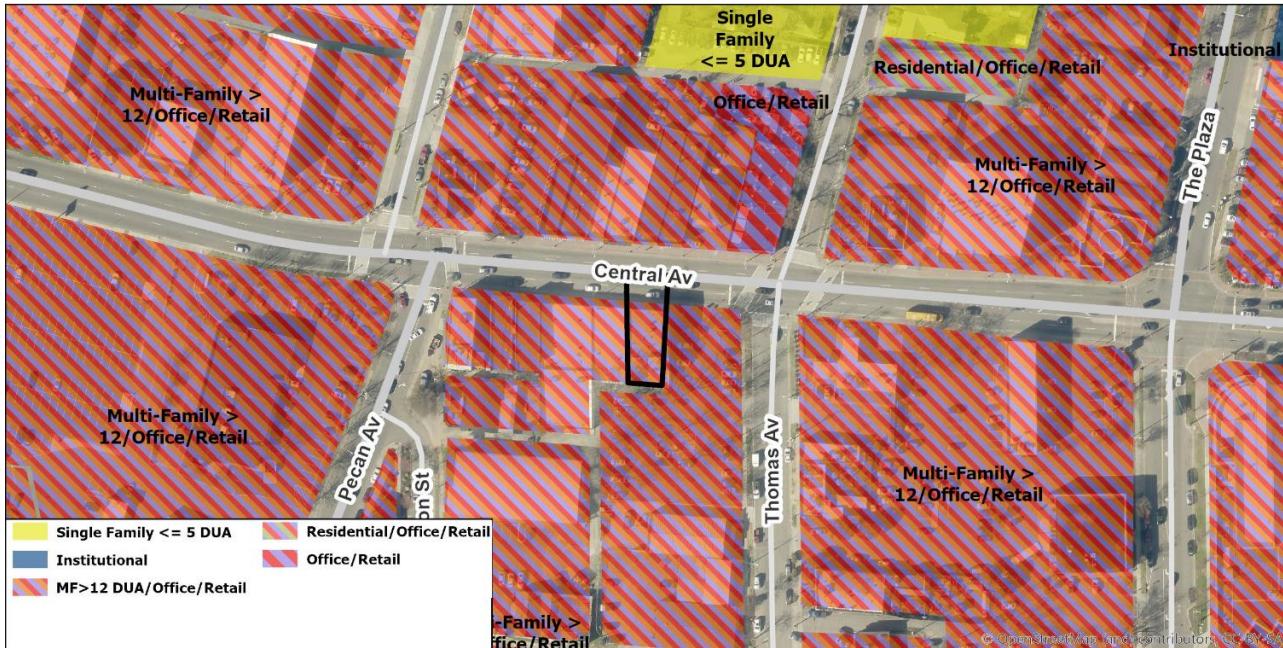
South are commercial and residential uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-116	Rezone 0.58 acres from MUDD-O PED and B-2 PED to TOD-UC PED.	Pending
2019-183	Rezoned 0.24 acres from B-2 PED to B-2 PED(O).	Approved
2019-155	Rezoned 0.18 acres from B-2 PED to B-2 PED(O).	Approved
2018-086	Rezoned 0.23 acres from B-2 PED to MUDD-O PED.	Approved
2018-114	Rezoned 0.18 acres from R-5 to NS.	Approved
2018-086	Rezoned 0.30 acres from B-2 to MUDD-O.	Approved
2016-110	Rezoned 0.25 acres acres from B-2 to MUDD-O to allow a 1,600 square foot addition to an existing 5,700 square foot building located in the Plaza Midwood business district that houses an eating/drinking/entertainment establishment to allow all MUDD uses and associated parking.	Approved

- Public Plans and Policies**



- The *Plaza Central Pedscape Plan* recommends multi-family residential uses greater than 12 units per acre/office/retail with a pedestrian overlay.
- This site is part of the Village Center district, as identified by the area plan. The 2 block section of Central Avenue between The Plaza and Pecan Avenue is the heart of the district. Preservation of its historic character is a priority.
- The Village Retail Area is the larger area east of the CSX railroad tracks (including the Village Center) and has the potential to be a highly walkable, compact, mixed use retail village.

- TRANSPORTATION SUMMARY**

- The site is located on a City-maintained major thoroughfare (Central Avenue) and there are no nearby active projects, though this site is under the Plaza-Central Pedscape Plan. The site plan maintains the existing wide sidewalk along the site's frontage. The wider sidewalk also meets the Charlotte WALKS Policy. All outstanding CDOT comments have been successfully addressed.
  - Active projects near the site:**
    - N/A
  - TRANSPORTATION CONSIDERATIONS**
    - ~~See Outstanding Issues, Notes 1-4. Addressed~~
  - Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 233 trips per day (based on 2,782 square feet of restaurant).  
Entitlement: 285 trips per day (based on 1,125 square feet of retail).  
Proposed Zoning: 285 trips per day (based on 1,125 square feet of retail; site plan).

**DEPARTMENT COMMENTS** (see full department reports online)

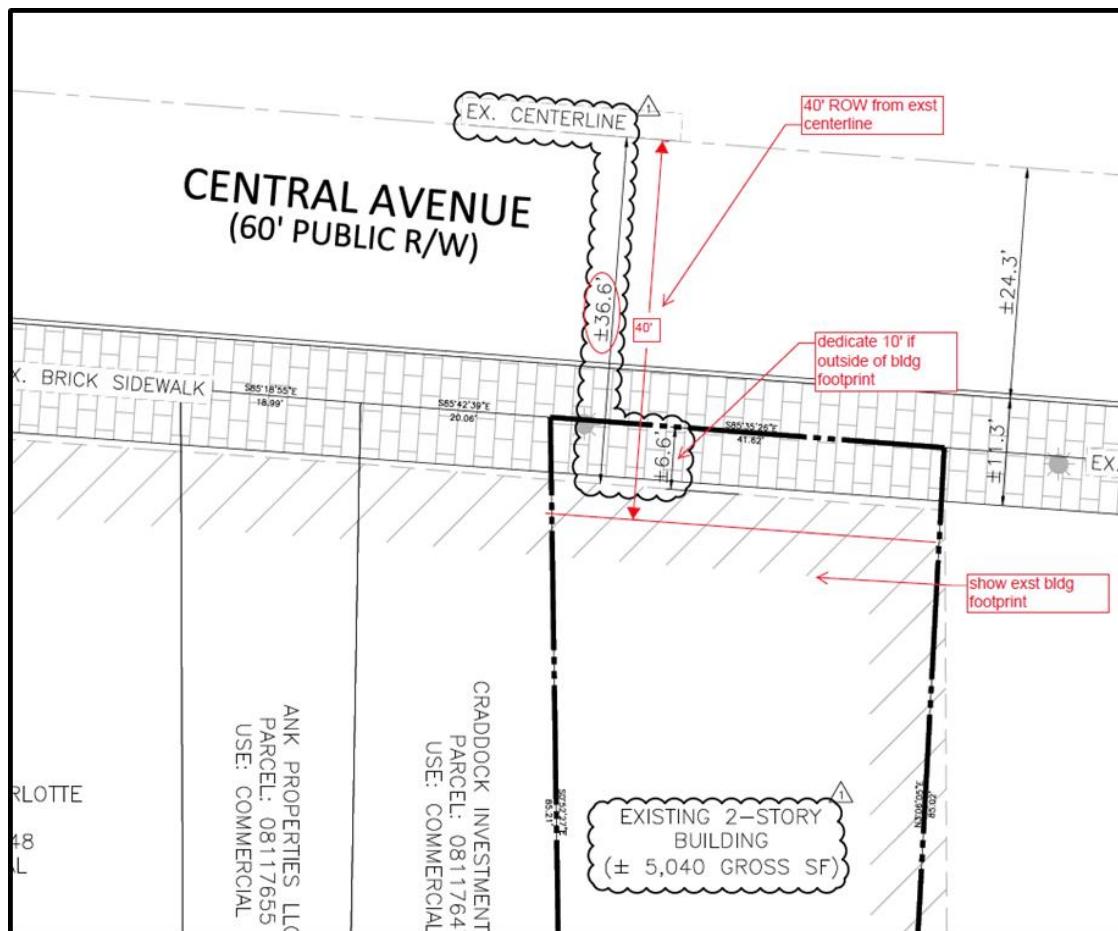
- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Central Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Central Avenue.
- Engineering and Property Management:**
  - Arborist:** No outstanding issues.
  - Erosion Control:** No outstanding issues.

- **Land Development:** See Outstanding Issues, Note 5. Addressed
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

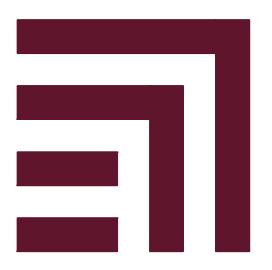
1. **Curbline:** The proposed zoning district has a setback measured from back of the existing or proposed future curbline. **Central Avenue:** The future location of curb and gutter is in its existing location. Label and dimension the curb and gutter from the centerline on the site plan. Addressed
2. Revise site plan and conditional note(s) to commit to dedicate 40' right of way from the road centerline. The site plan shall dimension the right of way from the road centerline. Addressed



3. Add a site plan note(s) specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights of way set to accommodate 2' behind back of sidewalk where feasible.
4. Show existing building footprint. Addressed
5. Provide square footage and possible areas of possible expansion in light of the 4<sup>th</sup> optional request related to streetscape. Addressed

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782



MCADAMS

The John R. McAdams Company, Inc.  
3430 Torington Way  
Suite 110  
Charlotte, NC 28277  
Phone 704.527.0800  
Fax 704.527.2269  
License number C-0393, C-187

www.mcadamsco.com

CLIENT

**1516 CENTRAL AVENUE**  
**CENTRAL AVE**  
**REZONING PETITION #2020-191**

CHARLOTTE, NORTH CAROLINA

MS. MARIA DIAMANDIROS  
CENTRAL AVENUE KARAE LLC  
9159 PROVIDENCE COLONY DRIVE  
CHARLOTTE, NORTH CAROLINA 28277

**REVISIONS**

NO. 1 02.08.2021 PER CITY AND COOT COMMENTS  
2 03.22.2021 PER CITY AND COOT COMMENTS

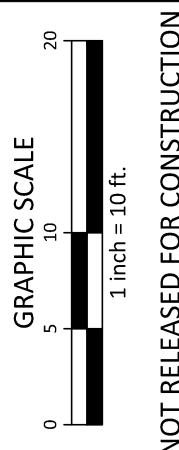
**PLAN INFORMATION**

PROJECT NO. 2020210308-RZ1  
FILENAME 2020210308-RZ1  
CHECKED BY EM  
DRAWN BY JDS  
SCALE 1'=10'  
DATE 11.02.2020

SHEET

**REZONING PLAN**

**RZ.01**



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



**VICINITY MAP**

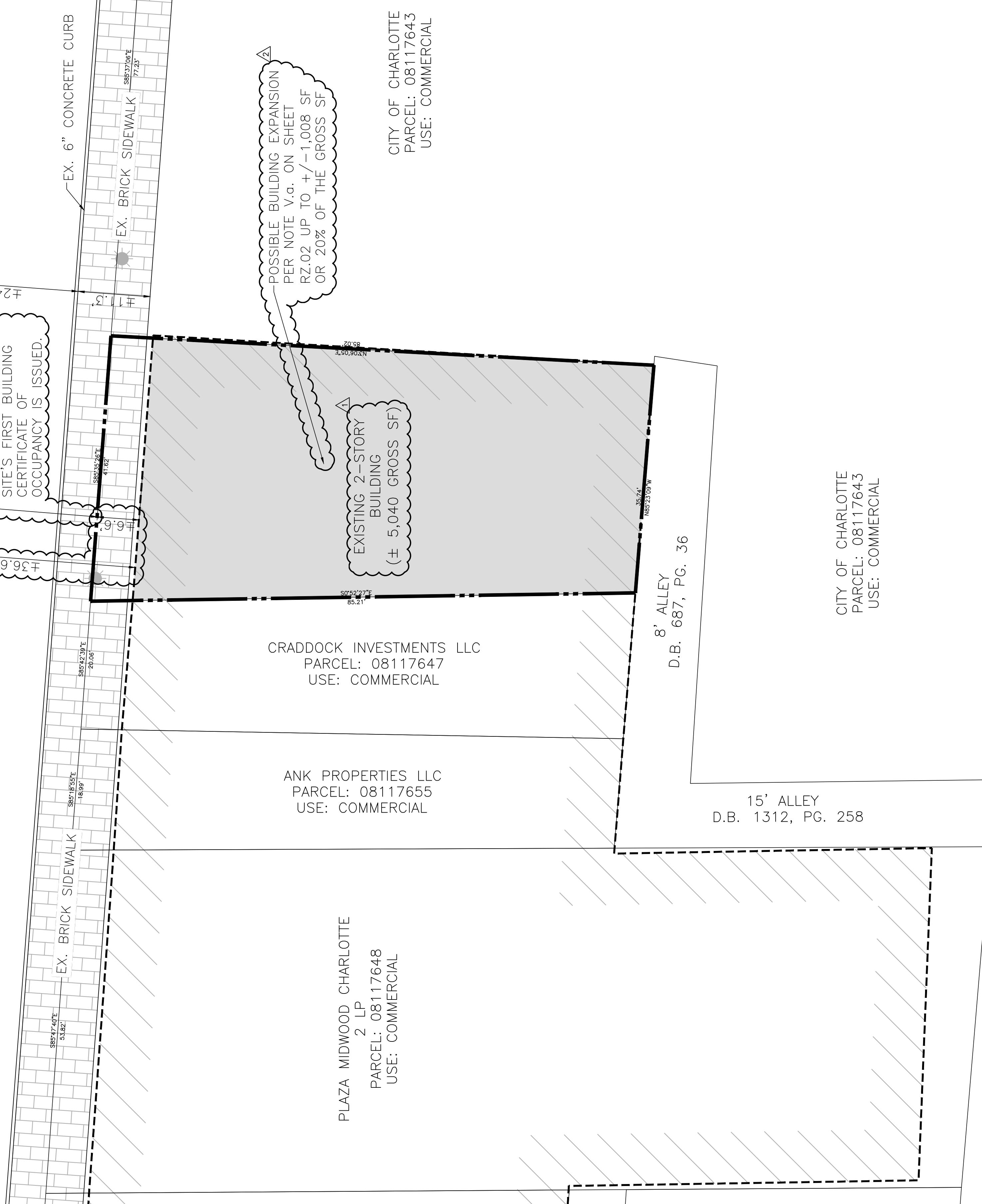
SCALE: NTS

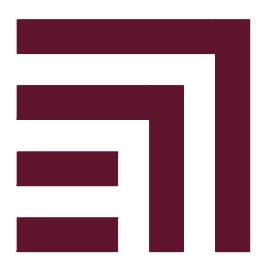
**THOMAS AVENUE**  
(60' PUBLIC R/W)

<b>SITE DATA</b>	
PETITIONER: MS. MARIA DIAMANDIROS, CRADDOCK INVESTMENTS LLC	PREPARED BY: CRADDOCK INVESTMENTS LLC, SUITE 110 9159 PROVIDENCE COLONY DRIVE CHARLOTTE, NC 28277 704.527.0800
PIN: 081-176-46	TOTAL SITE AREA: ± 0.075 AC
PROPERTY LINE	EXISTING PEDESTRIAN LIGHT POLE
ROAD CENTERLINE	EX. PEDESTRIAN SIDEWALK
LOT LINE	± 0.075 AC
BRICK SIDEWALK	B-2 PED
EXISTING OVERLAYS:	B-2 PED/O PEDESTRIAN OVERLAY COMMERCIAL
PROPOSED DEVELOPMENT:	USES AS PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS USES AS ALLOWED IN THE B-2 PED ZONING DISTRICT. THE ALLOWED USES AS ALLOWED IN THE B-2 PED ZONING DISTRICT WILL BE PRESERVED.
MAXIMUM BUILDING HEIGHT:	NOT TO EXCEED HEIGHT OF EXISTING BUILDING, AS ALLOWED BY THE ORDINANCE. EXISTING BUILDING IS APPROXIMATELY +/- 24 FEET.
PARKING:	AS REQUESTED IN THE OPTIONAL PROVISION (SEE RZ.02)

**CENTRAL AVENUE**  
(60' PUBLIC R/W)

<b>SITE LEGEND</b>	
EXISTING PEDESTRIAN LIGHT POLE	PROPERTY LINE
ROAD CENTERLINE	LOT LINE
BRICK SIDEWALK	EX. PEDESTRIAN SIDEWALK
EXISTING OVERLAYS:	EX. PEDESTRIAN SIDEWALK
PROPOSED DEVELOPMENT:	EX. PEDESTRIAN SIDEWALK
MAXIMUM BUILDING HEIGHT:	EX. PEDESTRIAN SIDEWALK
PARKING:	EX. PEDESTRIAN SIDEWALK





MCADAMS

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3430 Torington Way  
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Phone 704.527.0800  
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License number: C-0393, C-187

## CLIENT

[www.mcadamsco.com](http://www.mcadamsco.com)  
MS. MARIA DIAMADUROS  
CENTRAL AVENUE KARYAE LLC  
9159 PROVIDENCE COLONY DRIVE  
CHARLOTTE, NORTH CAROLINA 28277

REZONING PETITION #2020-191  
1516 CENTRAL AVENUE  
CENTRAL AVE  
CHARLOTTE, NORTH CAROLINA

- a. The Petitioner shall comply with the requirements of the Post Construction Stormwater Ordinance and City of Charlotte Tree Ordinance.

## VII. Binding Effect of the Rezoning Documents and Definitions

- a. If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.
- b. Throughout these Development Standards, the terms, "Petitioner" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner(s) of any part of the Site from time to time who may be involved in any future development thereof.

## I. General Provisions

- a. These Development Standards form part of the Rezoning Plan associated with the Rezoning Petition filed by Central Avenue Karyae LLC (the "Petitioner") to accommodate adaptive reuse of an existing building on the 0.075-acre site located at 1516 Central Avenue, more particularly described as Tax Parcel Number 081-176-46 (the "Site").
- b. Development of the Site shall be governed by the accompanying Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). The Rezoning Plan is intended reflect maximum development rights, building envelopes, the arrangements and locations of access points.
- c. Unless the Rezoning Plan or these Development Standards establish more stringent standards or as otherwise provided in the Optional Provisions below, the regulations established under the Ordinance for the B-2 PED Zoning District shall govern all development taking place on the Site.
- d. Alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development proposed or significantly alter the Rezoning Plan or these Development Standards, constitute changes which increase the intensity of

development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

## II. Optional Provisions

The Site is an existing legally non-conforming building with no on-site parking spaces. The intent of this Rezoning Petition is to allow change of uses for the existing building to occur without requiring additional parking spaces to be provided as required by the PED Overlay zoning regulations.

- a. To allow the existing building to continue to be used with uses as permitted in the B-2 PED zoning district without having to provide on-site or off-site vehicular parking spaces.
- b. To not require additional parking spaces for change of uses (e.g., change of use from a retail use to EDEE uses).
- c. To not require additional parking spaces if the building is expanded with ancillary building areas.
- d. To not require the installation of streetscape improvements along Central Avenue when change of uses or building expansions occur.
- e. To allow the addition of outdoor dining areas, including rooftop dining areas, without requiring additional parking to be provided.

## III. Permitted Uses

The Site may be developed with non-residential uses as permitted in the B-2 PED zoning district. The existing building shall remain but may be expanded (small portions of the existing building may be removed to allow for minor renovations and expansions).

## IV. Access and Transportation

- a. The Site has existing vehicular access to the rear of the building from an existing alley with access to Gordon Street.
- b. Any required transportation improvements shall be substantially completed before the Site's first building certificate of occupancy is issued.

## V. Architectural Standards

- a. Existing building to remain. Petitioner may make minor renovations or expansions up to  $\frac{1}{2}(20\%)$  of the building area.
- b. Existing building certificate of occupancy is issued.

## VI. Environmental Features

PETITION NO. 2020-191  
DEVELOPMENT STANDARDS  
Petitioner: Central Avenue Karyae LLC  
2/8/2021

## Site Development Data:

2/8/2021

Site Development Data:



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 21. **File #:** 15-15572 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-193 by Premier Athletic Management, LLC**

**Location:** Approximately 10.50 acres locates along the east side of Browne Road, south of Interstate 485, and west of Benfield Road. (Council District 4 - Johnson)

**Current Zoning:** INST (CD) (institutional, conditional)

**Proposed Zoning:** B-1 (CD) (neighborhood business, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-193**

**March 30, 2021**

### **REQUEST**

Current Zoning: INST(CD) (institutional, conditional)  
Proposed Zoning: B-1(CD) (neighborhood business, conditional)

### **LOCATION**

Approximately 10.50 acres located along the east side of Browne Road, south of Interstate 485, and west of Benfield Road.  
(Council District 4 - Johnson)

### **PETITIONER**

Premier Athletic Management, LLC

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Prosperity Hucks Area Plan* (2015) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends parks/open space.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This petition proposes an expansion to the currently operating Prosperity Athletic Tennis Club, which has been in operation since 1998. The expansion includes adding a Type II EDEE, adding a canopy to 3 existing tennis courts, converting two tennis courts to pickle ball courts, and expanding and improving vehicular circulation and parking areas.
- The improvements and additions proposed in this petition will enhance and improve the recreational opportunities for club patrons and for the residents in the surrounding neighborhoods, and the new tennis court canopy will make the site more accessible throughout the year despite inclement weather.
- The petition proposes to construct a community garden area which will be a source of fresh food for club patrons and for residents in the surrounding areas.
- The petition includes a 5-foot trail around the proposed stormwater basin, which will encourage recreational activity and provide different access points for the proposed parking lot to on the left side of the trail.
- The proposed 5-foot bike lane extension, 8-foot planting strip, and 6-foot sidewalk along the frontage of the project site will

increase connectivity in this area, improve access to the site, and provide more safety for visitors who choose to ride or bike to the location.

- The petition commits to following all required buffers required by the Ordinance and to establishing a 6-foot privacy fence on the southern and southeastern sides of the site with appropriate landscaping, where the site abuts a residentially zoned area.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan* (2015), from Parks/Open Space to Retail for the site.

Motion/Second: Blumenthal / Barbee

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

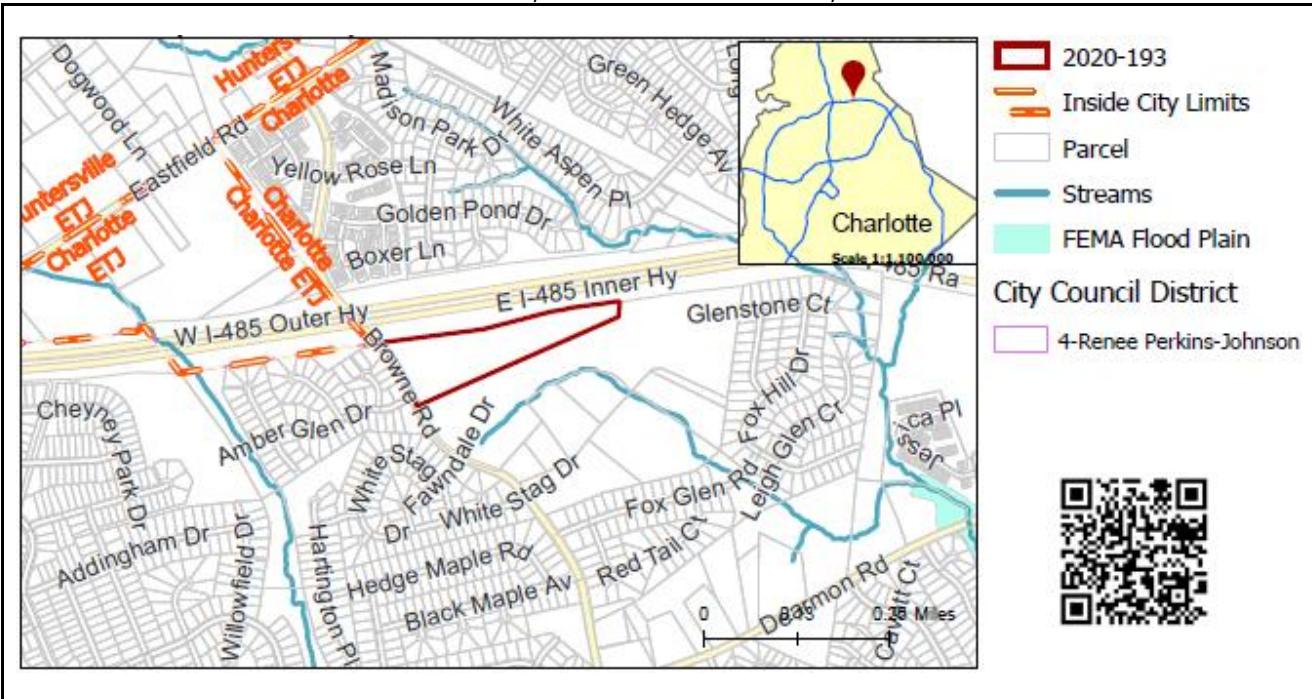
Michael Russell (704) 353-0225

**REQUEST**

Current Zoning: INST(CD) (institutional, conditional)  
Proposed Zoning: B-1(CD) (neighborhood business, conditional)

**LOCATION**

Approximately 10.50 acres located along the east side of Browne Road, south of Interstate 485, and west of Benfield Road.



**SUMMARY OF PETITION**

The petition proposes an expansion to the existing Prosperity Athletic Club facilities with new uses and improvements.

**PROPERTY OWNER**

Premier Athletic Management, LLC

**PETITIONER**

Premier Athletic Management, LLC

**AGENT/REPRESENTATIVE**

Tristan McMannis, Dewberry Engineers Inc.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Prosperity Hucks Area Plan* (2015) recommendation of parks/open space.

Rationale for Recommendation

- This petition proposes an expansion to the currently operating Prosperity Athletic Tennis Club, which has been in operation since 1998. The expansion includes adding a Type II EDEE, adding a canopy to 3 existing tennis courts, converting two tennis courts to pickle ball courts, and expanding and improving vehicular circulation and parking areas.
- The improvements and additions proposed in this petition will enhance and improve the recreational opportunities for club patrons and for the residents in the surrounding neighborhoods,

and the new tennis court canopy will make the site more accessible throughout the year despite inclement weather.

- The petition proposes to construct a community garden area which will be a source of fresh food for club patrons and for residents in the surrounding areas.
- The petition includes a 5-foot trail around the proposed stormwater basin, which will encourage recreational activity and provide different access points for the proposed parking lot to be on the left side of the trail.
- The proposed 5-foot bike lane extension, 8-foot planting strip, and 6-foot sidewalk along the frontage of the project site will increase connectivity in this area, improve access to the site, and provide more safety for visitors who choose to ride or bike to the location.
- The petition commits to following all required buffers required by the Ordinance and to establishing a 6-foot privacy fence on the southern and southeastern sides of the site with appropriate landscaping, where the site abuts a residentially zoned area.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)*, from Parks/Open Space to Retail for the site.

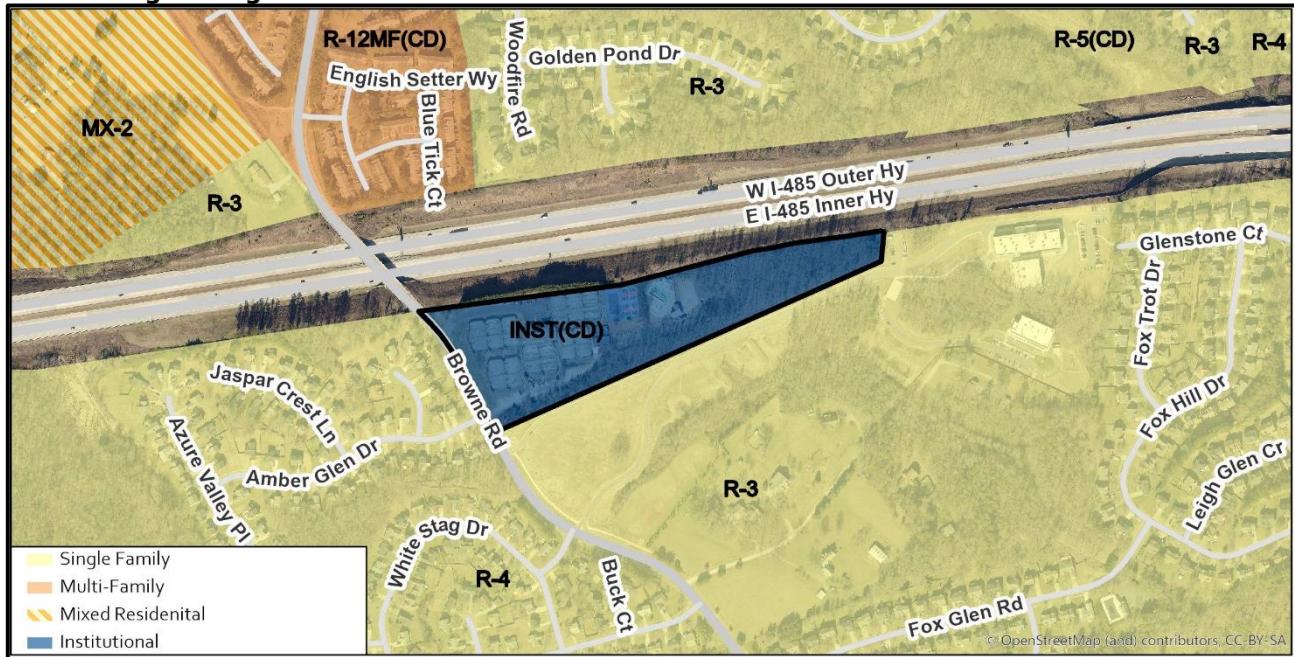
#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes an expansion to the existing Prosperity Athletic Club facilities as listed below:
- Proposes an enclosed canopy structure over three existing tennis courts at the front of the site.
- Proposes converting two existing tennis courts to indoor pickleball courts.
- Proposes constructing two outdoor sand volleyball courts and two outdoor pickleball courts.
- Proposes a 6,825 square-foot public outdoor beer garden with seating.
- Commits to installing curb and gutter and a proposed 5-foot bike facility along Browne Road.
- Commits to an 8-foot planting strip and a 6-foot sidewalk along the frontage of the site.
- Proposes a 5-foot wide trail around the proposed stormwater basin.
- Provides a community garden with public access.
- Commits to paving and expansion of the existing gravel parking lot.

- Existing Zoning and Land Use**



The site was rezoned (Petition 2011-026) from R-3 to INST(CD) in 2011 to allow a 31,800 square foot indoor tennis court on the same site as an existing private swim and tennis club with outdoor facilities. The surrounding land uses include single family homes and a school.



The subject property denoted by a red star.



Street view of property from Browne Road.



The property to the west across Browne Road is developed with single family homes.

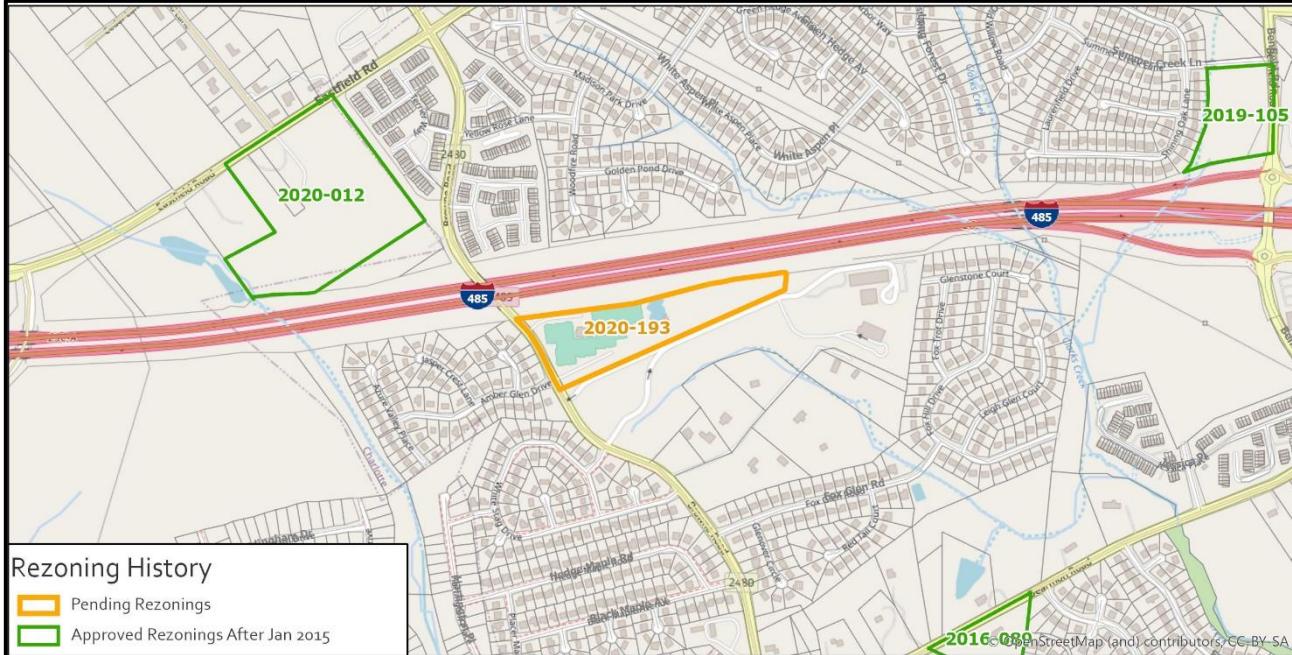


The property to the south along Browne Road is undeveloped.



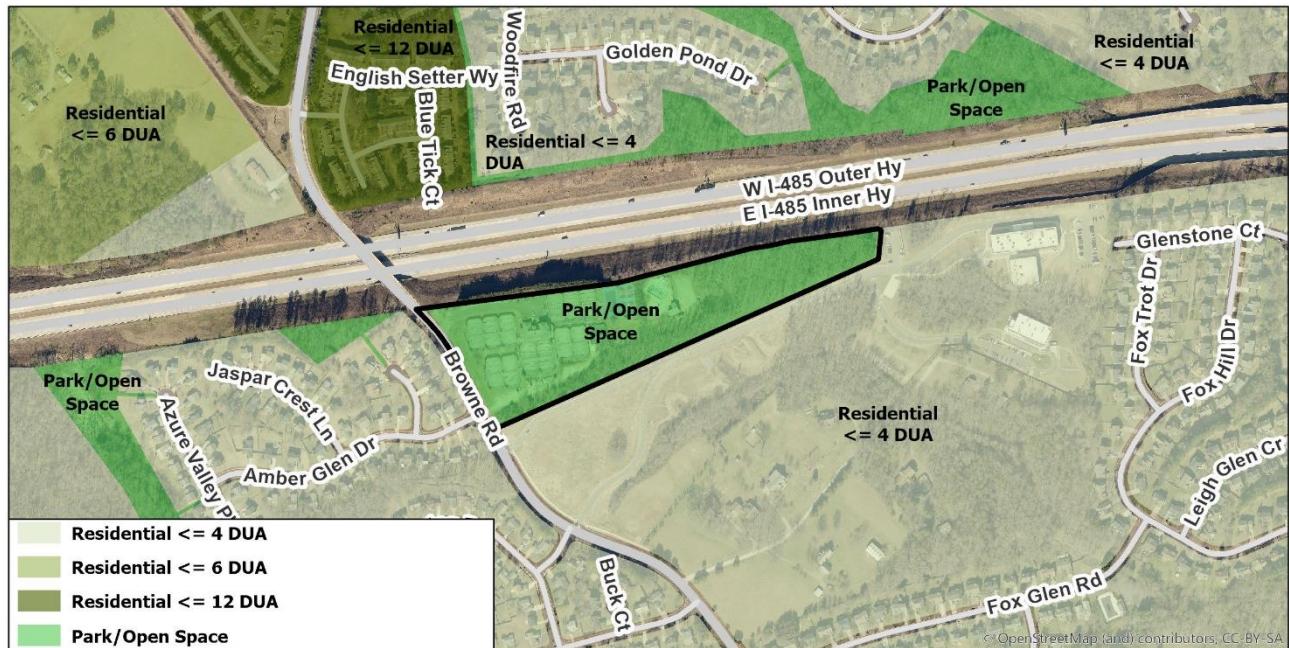
The property is bordered to the north by Interstate 485.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-089	Rezoned 4.35 acres to allow 5,600-square foot Masonic Lodge.	Approved
2019-105	Rezoned 5.14 acres to allow 84 multi-family residential units, 15,000 square feet of office uses, and 12,607 square feet of commercial uses including: retail, office, and EDEE.	Approved
2020-012	Rezoned 21.92 acres to allow up to 38 single family homes and 48 townhomes.	Approved

- Public Plans and Policies**



- The Prosperity Hucks Area Plan (2015) calls for Parks/Open Space on the site.
- TRANSPORTATION SUMMARY**
  - The site is located on a State-maintained, minor thoroughfare road (Browne Road). The proposed use will complement adjacent uses, being ancillary, therefore, no trips are expected to be generated. The petitioner has committed to installing curb and gutter and a proposed 5-foot bike facility along Browne Road. The petitioner committed to restricting the northern access on Browne Road to right-in/right-out. The petitioner will also install a northbound right-turn lane at the existing full movement access across from Amber Glen Drive. All outstanding CDOT items are addressed.
  - Active Projects:**  
N/A
- Transportation Considerations**  
~~See Requested Technical Revisions, Notes 4-5. Addressed~~
- Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: (no data) trips per day (based on tennis courts and swimming pool).  
Entitlement: (no data) trips per day (based on tennis courts and indoor pool Rezoning 2011-061).  
Proposed Zoning: (no data) trips per day (based on tennis courts and beer garden).

#### DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Solid Waste Services:** No outstanding issues.
- Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Amber Glen Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along the northern part of the rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Engineering and Property Management:**
  - Arborist:** No comments submitted.
  - Erosion Control:** No outstanding issues.
  - Land Development:** No outstanding issues.
  - Storm Water Services:** No outstanding issues.

- **Urban Forestry:** See Outstanding Issues, Note 1. Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### OUTSTANDING ISSUES

##### Environment

1. Show how site will meet tree save requirements with future additions. Addressed

##### Site and Building Design

2. Show existing uses and parking calculations to verify that it is correct or remove it from site plan. Addressed

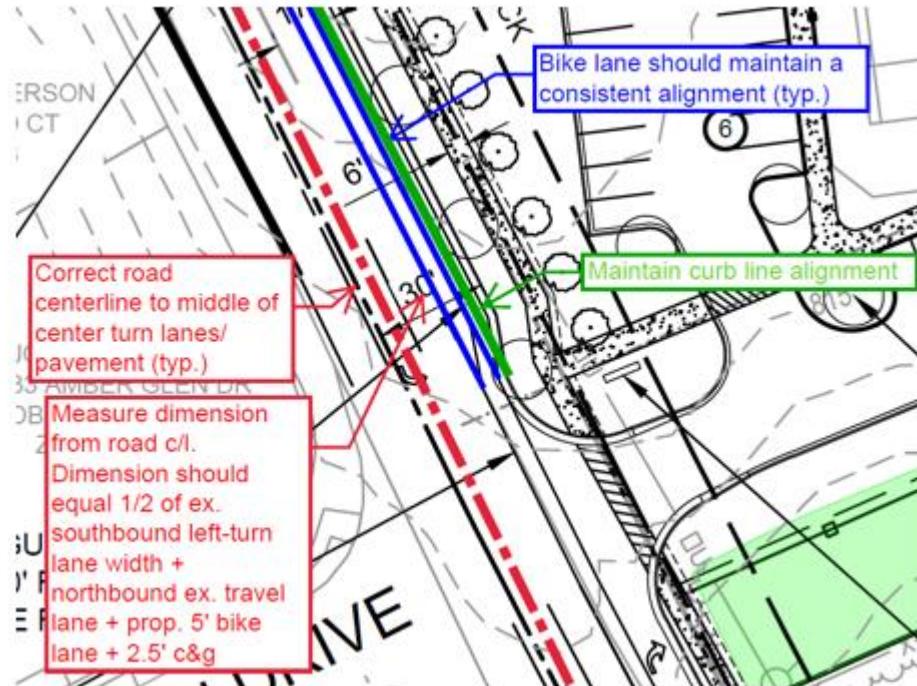
3. Add development area notes to site plan. Addressed

#### REQUESTED TECHNICAL REVISIONS

##### Transportation

4. Remove conditional note (Section B.1.), since this item is addressed within Outstanding Issue 2. Addressed

5. Revise the dimensions and locations of the bike lane and curb and gutter, as shown on the site plan below. The exact dimension is to be determined based on the existing pavement width and



the comments on the site plan, captured below. Addressed

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 22. **File #:** 15-15573 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-195 by Smith Southeast Development, Inc.**

**Location:** Approximately 2.9 acres located along the south side of Rea Road, east of Colony Road, and west of Stourton Lane. (Council District 7 - Driggs)

**Current Zoning:** B-1 (CD) (neighborhood business, conditional)

**Proposed Zoning:** UR-2 (CD) (urban residential, conditional)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

## **Zoning Committee Recommendation**

**Rezoning Petition 2020-195**

**March 30, 2021**

**REQUEST** Current Zoning: B-1(CD) (neighborhood business, conditional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION** Approximately 2.9 acres located along the south side of Rea Road, east of Colony Road, and west of Stourton Lane (Council District 7 - Driggs)

**PETITIONER** Smith Southeast Development, LLC

**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY** The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *South District Area Plan*. However, the *General Development Policies* support the requested density of less than or equal to 12 DUA, based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family uses at 3 DUA; and
- The petition proposes a density of 8.9 DUA.

However, we find this petition to Choose an item. public interest based on information from the staff analysis and the public hearing and because:

- The *General Development Policies* would support residential use over to 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 8.9 DUA.
- The maximum building height is limited to 45 ft., with building setbacks increased to accommodate additional height, similar to single family zoning.
- The plan provides landscape area planted to Class C buffer standards adjacent to single family homes and architectural design requirements that mitigate the projects impact on surrounding single family homes.
- The site is located on a minor thoroughfare and is located less than ¼ of a mile from transit service.
- The existing zoning and land use are non-residential, the proposed residential use is more compatible with the existing residential development than commercial use.

- There is a mix of land uses in the area including single family to the south and east, townhomes to the north and northwest and non-residential uses to the west.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential at 3 dwelling units per acre to residential <= 12 DUA for the site.

Motion/Second: Barbee / Kelly  
Yea's: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton  
Nays: None  
Absent: McMillan  
Recused: None

#### ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan but the density proposed was supported by the *General Development Policies*.

Commissioner asked about the type of fence proposed. Staff noted that the petitioner was proposing an 8ft high vinyl fence located along the property line.

A commissioner asked about the setback abutting single family compared to other similar developments in the area. The petition provides a 20 ft landscape buffer area along the perimeter of the site. The development along Rea View Court to the north is about 10-15 feet from the property line and the townhome development on across Rea Road from the site has larger yards and a 20 ft buffer with a berm.

A commissioner asked about the topography of the site and the heights of the units as they related to single family. Staff noted that they are comfortable with the proposed height because it is similar to the possible height in single family and a landscape buffer area is provided.

There was a question about the Class type of the landscape buffer area and noted that a Class C type was proposed. Staff noted that the Class type deals with the number of trees and shrubs per linear feet. There are several different classes with various planting requirements. The Class C type includes a combination of large maturing trees and shrubs.

A commissioner asked about the location of the fence within the buffer. Staff explained that because buffers are not required by the Zoning Ordinance for UR-2 zoning, if a development proposes a fence the location of the fence is determined by the developer. If the proposal was for a traditional multi-family zoning district and a fence is required, the Ordinance specifies the fence be located within the inner ½ of the buffer. This can create maintenance issues and questions of ownership, so when a development is going to a district where the fence location is not

Ordinance required, they will often locate it along the property line.

There was no further discussion of this petition.

**PLANNER**

John Kinley (704) 336-8311



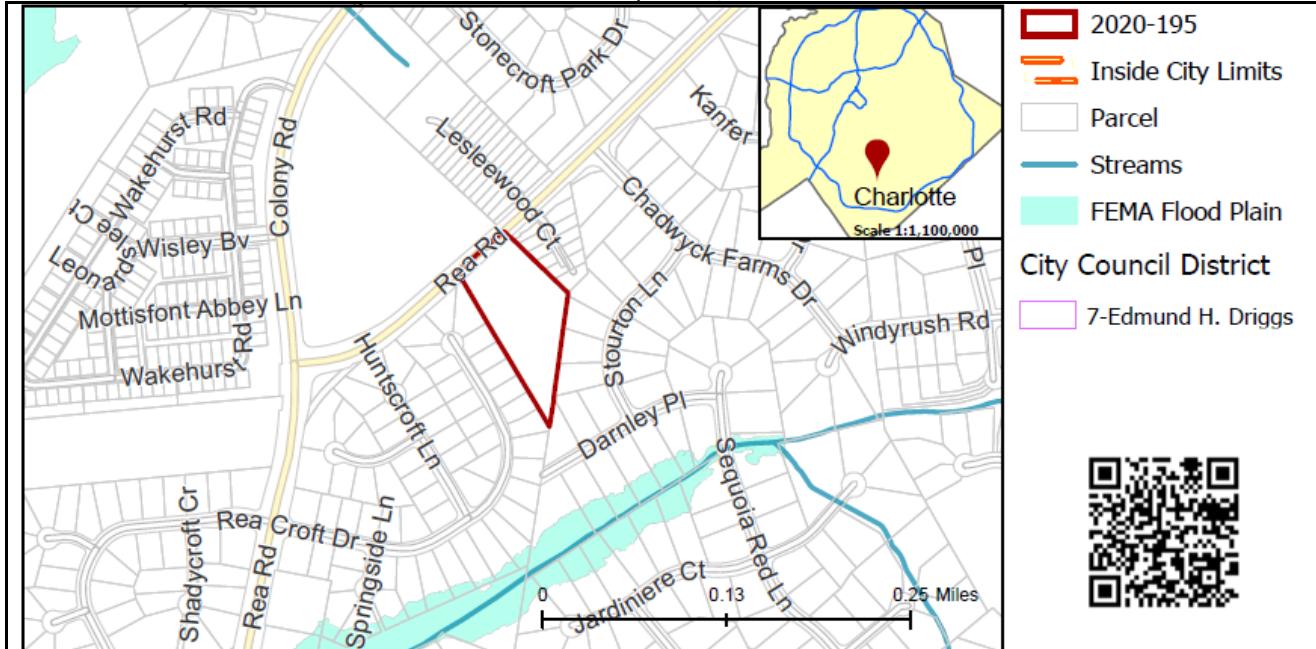
**Rezoning Petition 2020-195**  
**Final Staff Analysis**  
**April 19, 2021**

**REQUEST**

Current Zoning: B-1(CD) (neighborhood business, conditional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 2.9 acres located along the south side of Rea Road, east of Colony Road, and west of Stourton Lane.



**SUMMARY OF PETITION**

The petition proposes redevelopment of the existing commercial nursery with up to 26 single family attached dwelling units (townhomes) at a density of 8.9 dwelling units per acre.

**PROPERTY OWNER**

Southern Styles Nursery & Garden Center Company

**PETITIONER**

Smith Southeast Development, LLC

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins/ Alexander Ricks

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 41.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *South District Area Plan* recommendation for single family land uses at 3 dwelling units per acre on this site. However, the *General Development Policies* support the requested density of less than or equal to 12 DUA.

Rationale for Recommendation

- The *General Development Policies* would support residential use over to 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 8.9 DUA.
- The maximum building height is limited to 45 ft., with building setbacks increased to accommodate additional height, similar to single family zoning.
- The plan provides landscape area planted to Class C buffer standards adjacent to single family homes and architectural design

requirements that mitigate the projects impact on surrounding single family homes.

- The site is located on a minor thoroughfare and is located less than ¼ of a mile from transit service.
- The existing zoning and land use are non-residential, the proposed residential use is more compatible with the existing residential development than commercial use.
- There is a mix of land uses in the area including single family to the south and east, townhomes to the north and northwest and non-residential uses to the west.

The approval of this petition will revise the adopted future land use as specified by the *South District Plan*, from single family residential at 3 dwelling units per acre to residential <= 12 DUA for the site.

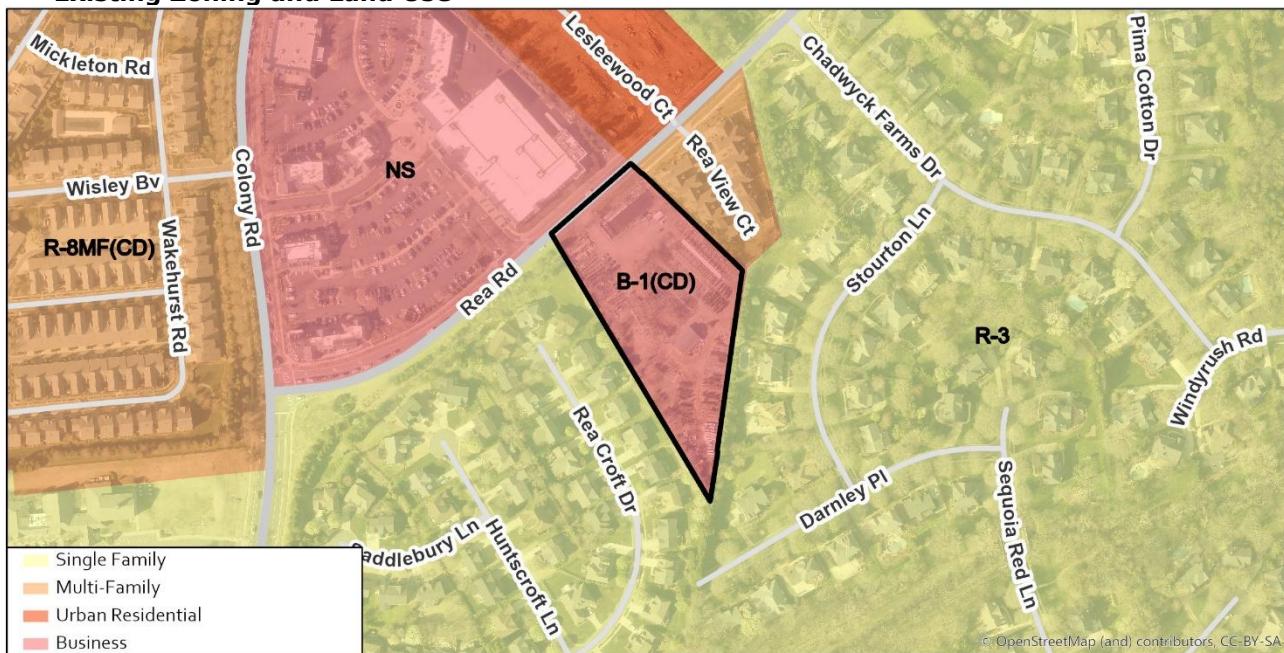
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes up to 26 single family attached dwelling units (townhomes).
- Limits maximum building height to 45 feet.
- Provides architectural standards related to building materials, raised entrances abutting sidewalks, end units facing public streets, number of units per building and pitched roofs.
- Shows 4 visitor parking spaces within the site.
- Provides 20 ft landscaped area around the perimeter of the site planted to a Class C buffer standard abutting single family residential use.
- **Proposed a fence at the property line of the western boundary of the site, petitioner will either construct a new fence or work with abutting neighbors to tie into existing fences.**
- Vehicular access via shared private street connecting to Rea Road.
- Constructs left turn lane into site, bike lane, 8 ft planting strip and 6 ft sidewalk along the site frontage.
- Provides pedestrian crossing on Rea Road south of the site driveway with a pedestrian refuge island.

### • Existing Zoning and Land Use



The site was originally zoned under the County Ordinance as RU(CD) to allow a commercial nursery including retail sales, office and caretaker residence. In 1989 the site was annexed and rezoned to B-1(CD) and utilized the original site plan. The site (indicated by red star below) is located in an area with a mixture of commercial, office, single family detached and attached residential uses.



The site is developed with a commercial nursery.



North of the site are townhomes along Rea View Court.



West of the site across Rea Road is commercial node anchored by a grocery store.

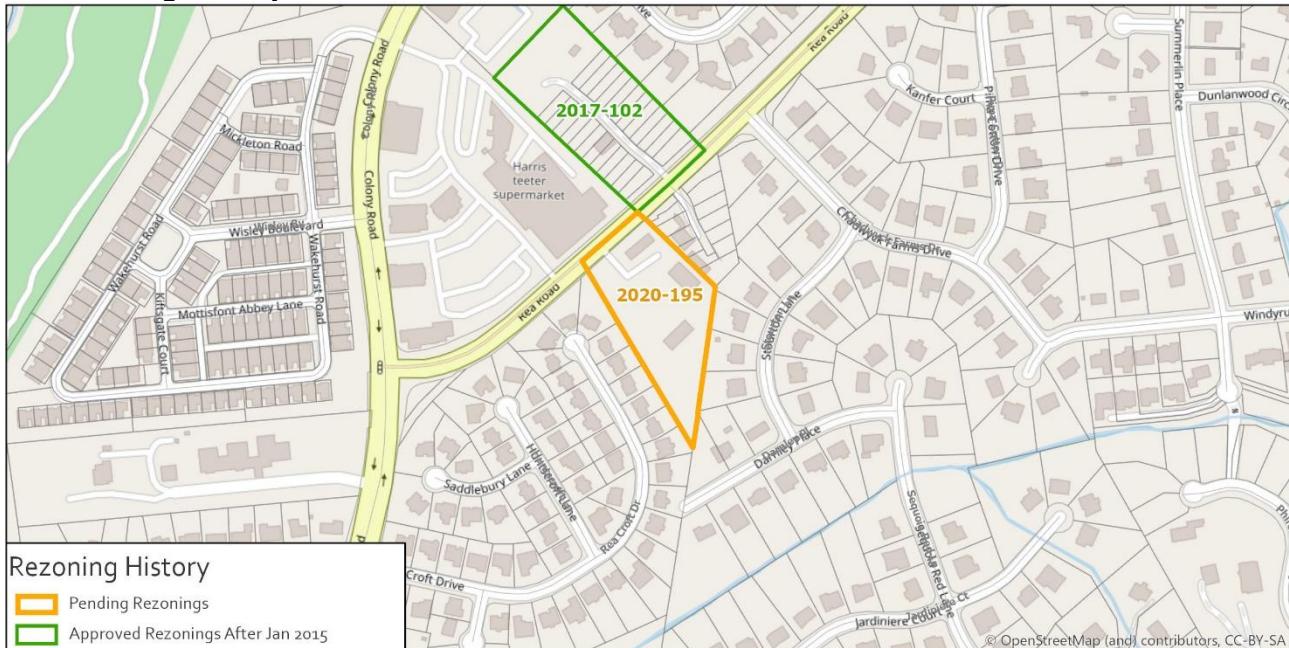


East of the site along Stourton Lane are single family homes.



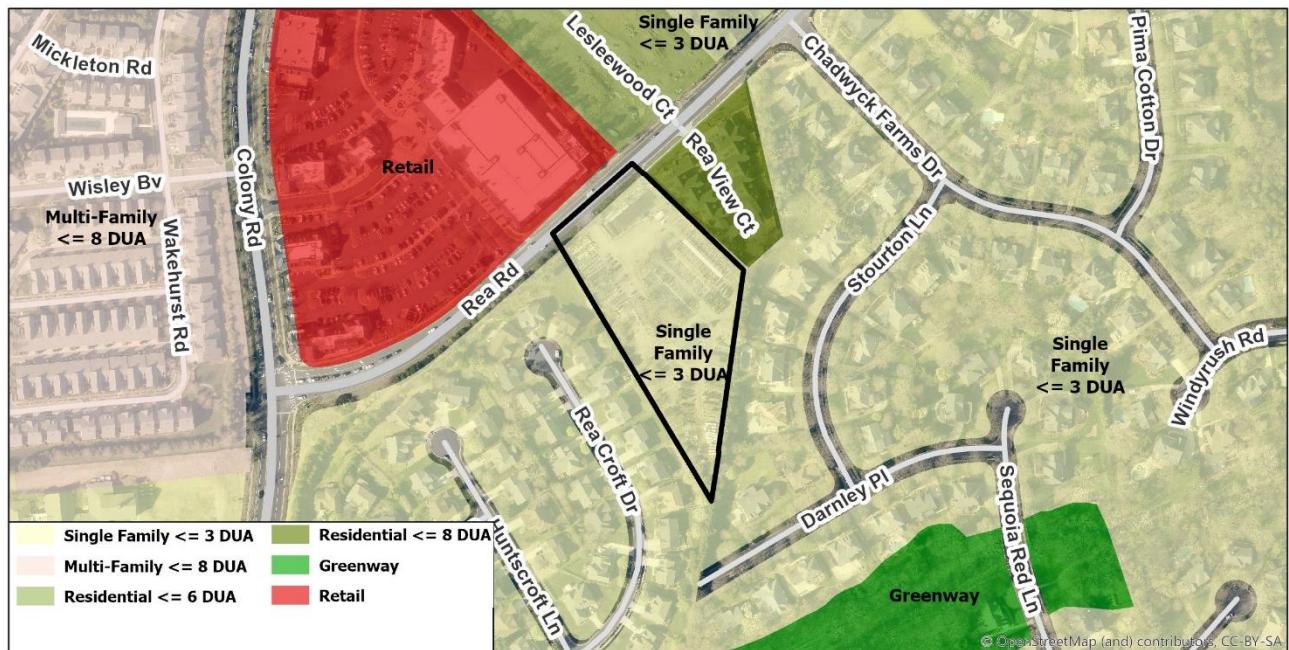
South of the site along Rea Croft Drive are single family homes.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-102	Rezoned 3.68 acres northeast of the site, across Rad Rd to UR-2(CD) to allow up to 24 single family attached units.	Approved

- Public Plans and Policies**



- The *South District Plan* (1993) recommends single family homes at 3 units per acre for this site.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration up to 12 dwellings per acre as illustrated in the table below. The petitioner is requesting 8.9 units per acre.

<b>Assessment Criteria</b>	<b>Density Category – up to 12 du</b>
Meeting with Staff	1
Sewer and Water Availability	3
Land Use Accessibility	4
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 12</b>	<b>Total Points: 14</b>

- **TRANSPORTATION SUMMARY**

- The site is located on State-maintained minor thoroughfare (Rea Road) and has been an existing commercial space (landscape nursery). There are no active projects near this site. The site is being proposed for a residential use. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to providing a 35' right-of-way from Rea Road and 2' right-of-way at the back of sidewalk. Further details are listed below.

- **Active Projects:**

- No active projects near the site.

- **Transportation Considerations**

- See ~~Outstanding Issues, Notes 3, 4 and 5.~~ Addressed

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: No data (based on plant nursery).

Entitlement: 1,100 trips per day (based on retail zoning/use).

Proposed Zoning: 160 trips per day (based on 26 townhome units).

#### **DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See ~~Outstanding Issues, Note 2.~~ Addressed.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate zero students, while the development allowed under the proposed zoning may produce 9 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 9 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Olde Providence Elementary at 125%
    - Carmel Middle at 125%
    - Myers Park High at 121%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** See ~~Outstanding Issues, Note 6.~~ Not fully addressed. Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### **OUTSTANDING ISSUES**

##### Site and Building Design

1. Add a note committing to a minimum of 4 visitor parking spaces. Addressed

2. ~~Ordinance requires that solid waste and recycle area be shown on the site plan even if it is noted the private roll out will be utilized.~~ **Addressed**

Transportation

3. ~~Revise site plan and conditional note(s) to commit to dedicate 35' right of way from the road centerline. The site plan shall label and dimension the right of way from the road centerline per Chapter 20 of the City Code.~~ **Addressed**
4. ~~Note that right of way will be set 2 ft back of the sidewalk where feasible.~~ **Addressed**
5. ~~Add a site plan note(s) specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**

Environment

6. ~~Provide calculation for 15% tree save area on site plan and show tree save areas on site plan. Revise the label for tree save areas around the perimeter to say "preserved tree save areas." The plan shows a wall within part of the area and walls are not permitted in tree save areas. Additionally, there are existing trees near the property line that should be shown for preserved tree save.~~ **Addressed**

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

7. ~~Clarify area shown on site plan at the individual driveway aprons. If it's a sidewalk the garage setback must be measured from the back of the sidewalk.~~ **Addressed**
8. ~~Amend landscape area note V.b. to specify the 20 ft wide area planted to a Class C standard will be provided on all property lines abutting residential use.~~ **Addressed**
9. ~~Amend Open space note V.d to remove the word "urban" and replace with "usable common open space."~~ **Addressed**
10. ~~Clarify setback is measured from future BOC.~~ **Addressed**
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** John Kinley (704) 336-8311





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 23. **File #:** 15-15574 **Type:** Zoning Decision

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## **Rezoning Petition: 2020-200 by Elmington Capital Group**

**Location:** Approximately 8.862 acres located on the south side of West Boulevard, the west side of Beech Nut Road, and east of Clanton Road. (Council District 3 - Watlington)

**Current Zoning:** R-22 MF (multi-family residential)

**Proposed Zoning:** UR-2 (CD) (urban residential, conditional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2020-200**

**April 19, 2021**

### **REQUEST**

Current Zoning: R-22MF (multifamily residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

### **LOCATION**

Approximately  
(Council District 3 - Watlington)

### **PETITIONER**

Approximately 8.862 acres located on the south side of West Boulevard, the west side of Beech Nut Road, and east of Clanton Road.

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Central District Plan* for a majority of the site and inconsistent with the adopted plan for the remainder of the site and supported by the General Development Policies, based on the information from the staff analysis and the public hearing and because:

- The petition is consistent with the Central District Plan recommendation of multifamily residential with no specified density for the majority of the site and inconsistent with the recommendation for institutional for the remainder of the parcel. The General Development Policies support a residential density of over 17 units per acre.

However we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The Central District Plan supports residential for a majority of the parcel, while the General Development Policies supports the proposed density.
- The surrounding area consists of a mix of single family and multifamily residential communities.
- The site is located adjacent to, and within walking distance of Barringer Academic Center, a school facility. The streetscape improvements along West Boulevard associated with the proposed project will enhance the walkability and support neighborhood accessibility to the school facility.
- The request will commit to several transportation improvements in affiliation with the development.

- The proposed development provides several architectural commitments with respect to building materials, façade treatments, and avoidance of expanse of blank walls.
- The development commits to provision of amenities on the site.
- The development provides a Class C buffer along all property lines in residential use and/or zoning.
- The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended institutional use for a portion of the site to the recommended multifamily residential over 17 units per acre for that portion of the site.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from current recommended institutional use for a portion of the site to the recommended multifamily residential over 17 units per acre for that portion of the site.

Motion/Second: Kelly / Barbee

Yea's: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nay's: None

Absent: None

Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is with the adopted area plan for a portion of the site, and inconsistent with the area identified as institutional use (and noted as possible remnant from the abutting school facility). Significant changes to the site plan since the public hearing were noted by staff, including installation of a wooden fence between one of the proposed buildings and an existing residence; streetscape along Public Road 1; transportation improvements at West Boulevard/Dr. Carver Road/Public Road 1; and, coordination regarding access to the greenway. Noted the remaining portion to remain R-4. Still dedicate all or a portion of the R-4 to the land trust for homeownership. Noted a few outstanding issues that would not significantly affect the outcome of the project.

A Commissioner commended the developer for collaborating with the neighborhood, removing the R-4 portion, and continuing to explore homeownership opportunities via the Land Trust. Staff echoed the sentiments that this petition was an example of effective collaboration between the developer and the community. A Commissioner noted that Council Watlington was facilitating much of that discussion.

There was no further discussion of this petition.

## PLANNER

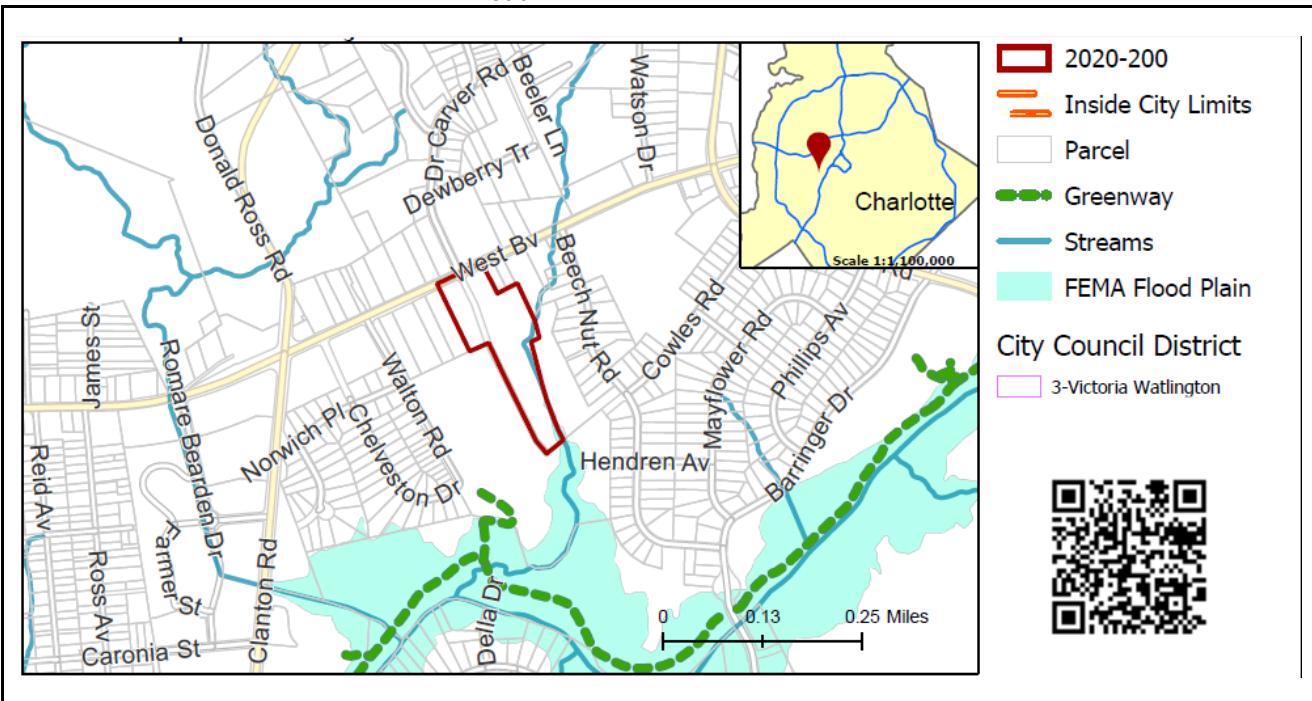
Claire Lyte-Graham (704) 336-3782

**REQUEST**

Current Zoning: R-22MF (multifamily residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 8.862 acres located on the south side of West Boulevard, the west side of Beech Nut Road, and east of Clanton Road.



**SUMMARY OF PETITION**

The petition proposes to allow a multi-family residential development on a vacant parcel located in West Charlotte.

**PROPERTY OWNER**

Trotter Properties LLC

**PETITIONER**

Elmington Capital Group

**AGENT/REPRESENTATIVE**

Collin Brown and Brittany Lins/Alexander Ricks PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 39

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Central District Plan* recommendation of multifamily residential with no specified density for the majority of the site and **inconsistent** with the recommendation for institutional for the remainder of the parcel. The *General Development Policies* support a residential density of over 17 units per acre.

Rationale for Recommendation

- The *Central District Plan* supports residential for a majority of the parcel, while the *General Development Policies* supports the proposed density.
- The surrounding area consists of a mix of single family and multifamily residential communities.

- The site is located adjacent to, and within walking distance of Barringer Academic Center, a school facility. The streetscape improvements along West Boulevard associated with the proposed project will enhance the walkability and support neighborhood accessibility to the school facility.
- The request will commit to several transportation improvements in affiliation with the development.
- The proposed development provides several architectural commitments with respect to building materials, façade treatments, and avoidance of expanse of blank walls.
- The development commits to provision of amenities on the site.
- The development provides a Class C buffer along all property lines in residential use and/or zoning.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from current recommended institutional use for a portion of the site to the recommended multifamily residential over 17 units per acre for that portion of the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

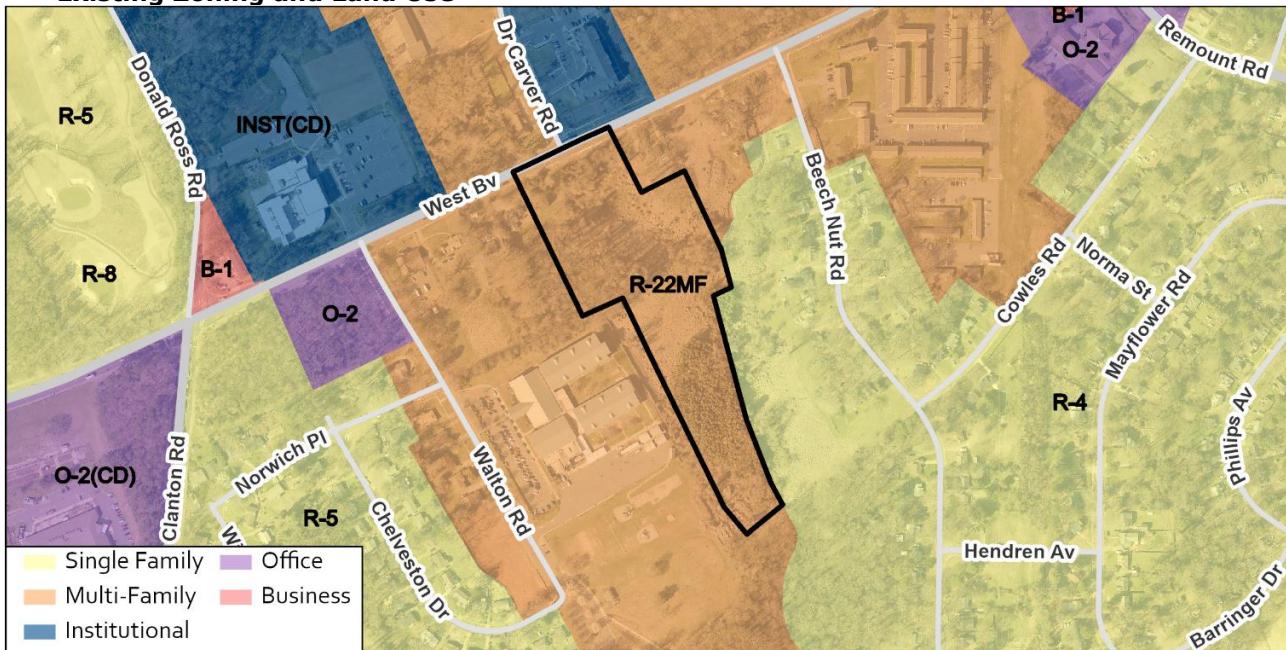
The site plan accompanying this petition contains the following provisions:

- Up to 200 multifamily residential dwelling units in 4 buildings at a density of 23 units per acre.
- Limits building height to 65 feet (buildings facing West Boulevard will be limited to 55 feet).
- Notes 100% of the total number of multi-family dwelling units actually constructed on the Site shall maintain monthly rents that are income restricted for households earning a range from 30% to 80% 50%-70% of the Area Median Income (AMI) for a period of not less than thirty (30) years from the date of issuance of certificates of occupancy for the first building to be constructed on the Site.
- Commits to a 20-foot Class C buffer along property lines abutting parcels in residential use and/or zoning.
- **Commits to installing a wood fence to screen Building 2 from the abutting residence as shown on the site plan.**
- **Proposes the following transportation improvements:**
  - Proposes ingress/egress onto West Boulevard.
  - Illustrates an 8-foot planting strip and 8-foot sidewalk on West Boulevard.
  - **Proposes an 8-foot planting strip and 6-foot sidewalk along Proposed Public Road-1 Private Access Drive.**
  - The Petitioner shall construct an eight (8) foot buffered bike lane along the Site's West Boulevard frontage.
  - The Petitioner shall construct two left-turn lanes on West Boulevard and provide left turning movements onto Dr. Carver Road and Proposed Public Road-1 Private Access Drive and coordinate signal modifications to accommodate the additional left-turn lanes and the addition of **Public Road-1 Proposed Private Access Drive** as the fourth leg of the intersection, built to NCDOT standards. The Petitioner will coordinate with NCDOT during the permitting phase of development to determine storage lengths, tapers, and any other potential lane striping modifications.
  - The petitioner shall widen and provide a dedicated right turn lane within the Proposed Private Access Drive at the West Boulevard/Dr. Carver Road intersection.
  - The Petitioner shall restripe the existing crosswalk, the **Dr. Carver/Public Road-1 Proposed Private Access Drive** and West Boulevard intersection.
  - The Petitioner shall use best efforts to coordinate with Charlotte-Mecklenburg Schools (CMS) to provide a pedestrian connection/access to the Irwin Creek Greenway. The Irwin Creek Greenway currently has a trailhead located within the adjacent property of the Barringer Academic Center.
  - **Illustrates potential future connections to Irwin Creek Greenway.**
  - Provides an internal sidewalk network connecting buildings, parking areas, and proposed sidewalk along West Boulevard.
  - The Petitioner will complete and submit a Right-of-Way Abandonment Petition form to CDOT for review related to the existing paper right-of-way extending Dr. Carver Road through the Site. The decision of this rezoning petition does not correlate with the decision of the

possible abandonment, as this decision is issued within the separate Right-of-Way Abandonment process that is controlled by North Carolina General Statutes.

- The Petitioner shall construct a new ADA compliant bus waiting and shelter pad per Land Development Standard 60.03A along the Site's frontage of West Boulevard near Building 2 as generally depicted on the Rezoning Plan in general alignment with the stop on the opposite side of West Boulevard. The final location of the pad will be coordinated with the developer through the permitting process. Developer will follow NCDOT encroachment requirements.
- Proposes the following architectural standards:
  - Notes all principal and accessory buildings shall be comprised of a combination of portions of brick, brick veneer, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement ("Hardiplank") and/or other materials approved by the Planning Director.
  - Prohibits the following building materials: (i) vinyl siding, excluding along siding of interior breezeways, vinyl handrails, windows, soffits, doors, garage doors, railings, or trim, and (ii) concrete masonry units not architecturally finished.
  - Notes buildings adjacent to West Boulevard shall be arranged and oriented with a front appearance along West Boulevard through the use of entrances and or walkways directly to the sidewalk fronting West Boulevard.
  - Building entrances shall be at or slightly (1' or more) above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of features and treatments.
  - Building massing shall be designed to break up long, monolithic building forms through the following standards: a. Building Massing: buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (recess, projection, architectural treatment, etc.). Modulations shall be a minimum of sixty (60) feet wide and shall extend or recess a minimum of two (2) feet, extending through all floors. Modulations shall occur every 60 feet, if provided.
  - Notes the maximum height in feet of each portion of the building fronting West Boulevard shall be three (3) stories, and buildings not fronting West Boulevard may be a 4/5-split. At no point shall the buildings exceed five (5) stories.
  - Designs architectural elevations to create visual interest and to avoid blank walls via use of exterior wall offsets, projections, and/or recesses, pilasters, and/or change in materials, banding, medallions, building articulation.
  - Commits to a minimum of 4 of the following amenities on the site: community room; computer/business center; exercise room; picnic area; outdoor seating areas; and/or playground/tot-lot.
  - **Notes there will be a minimum of 10,000 square feet of outdoor amenity area located throughout the site.**
  - Illustrates 50-foot post construction buffer, possible tree save area, and storm water management areas.
  - The Petitioner agrees to convey the 4.15-acre portion of parcel 145-103-17, currently zoned R-4 and shaded on the Rezoning Plan, to the West Side Community Land Trust (WSCL) concurrent with the issuance of a certificate of occupancy for a multifamily development on the Rezoning Property. This requirement to convey said R-4 property shall be conditioned upon the WSCL's agreement to accept the property and pay all transfer costs including survey costs, its attorney fees, title insurance premium, and all other due diligence costs. WSCL's acceptance of the property shall not unreasonably delay the issuance of certificates of occupancy.

- Existing Zoning and Land Use



Provide rezoning history for this site if there is any. Provide summary of surround land use in general



The site is currently vacant.



Along Dr. Carver Road are a daycare center, religious institution, and multifamily residential communities.



Directly southwest are Barringer Academic Center and single family residential homes.



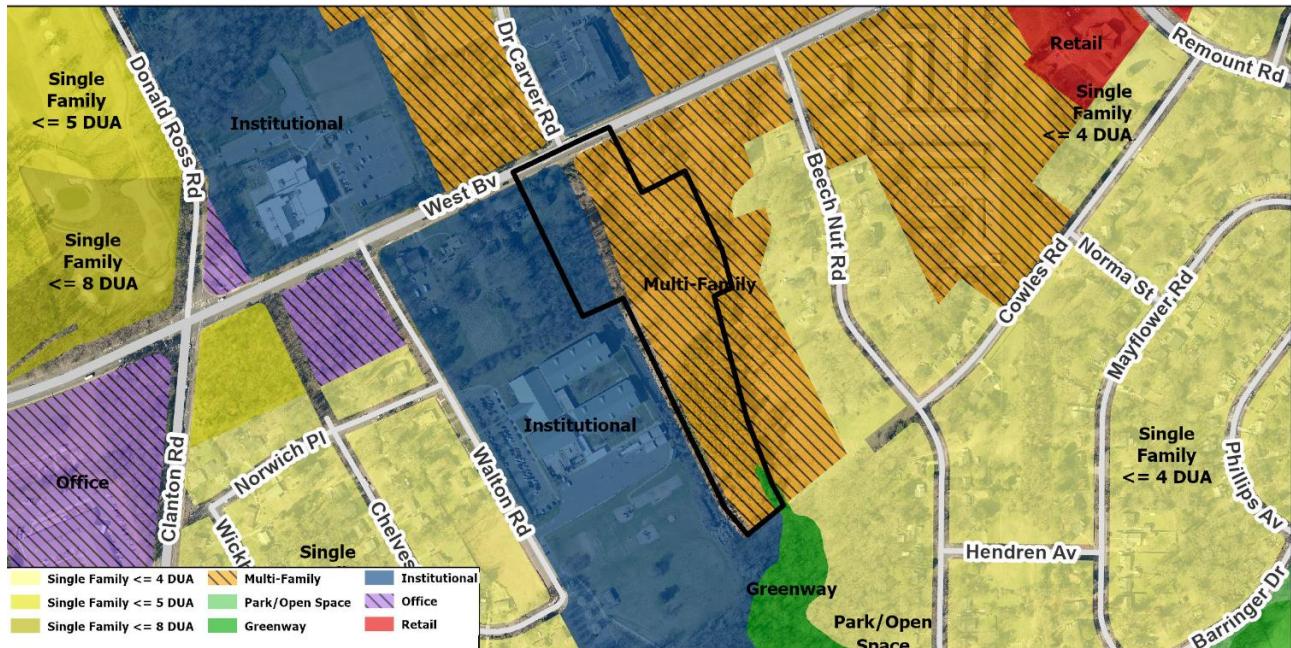
The rezoning site (denoted by the purple star) is primarily surrounded by institutional uses, single family neighborhoods, multifamily residential neighborhoods, and vacant acreage.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

- Public Plans and Policies**



- The Central District Plan recommends multifamily residential with no specified density for the majority of the parcel, and institutional for the remaining portion of the site.
- The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of over 17 dwellings per acre as illustrated in the table below.

<b>Assessment Criteria</b>	<b>Density Category – Over 17 du</b>
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	4
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 14</b>

- **TRANSPORTATION SUMMARY**

- This site is located on West Boulevard, a State-maintained major thoroughfare, approximately ¼ mile west of Remount Road. The proposed project is requesting to change the site's rezoning from R-22MF/R-4 to Urban Residential-2 (UR-2). The review of this petition was conducted in partnership with NCDOT to align with their separate permitting process. There is an active West Boulevard Corridor CIP project under construction near the site, installing bicycle and pedestrian improvements along West Blvd. Additionally, there is a new signal being installed at Walton Ave. and West Blvd.

To ensure that the transportation improvements associated with this project complement the adjacent CIP project, CDOT is coordinating with the project team to determine the most appropriate improvements to ensure compliance with the Transportation Action Plan (TAP), Vision Zero principles, and the Urban Street Design Guidelines. A community meeting was held on January 7, 2021 and, as a result, a new site plan was submitted on February 12, 2021. The new site plan reduced the rezoning footprint, leaving half of Parcel 14510317 as R-4 zoning.

Site plan revisions are needed to address the outstanding items including, but not limited to, constructing appropriate turn lanes on the proposed access drive and clarifying language in the conditional notes. Further details are listed below.

- **Active Projects:**

Active Projects Near the Site:

- West Boulevard Corridor Implementation, CIP Project ID# PMES181547
  - Construct numerous bicycle and pedestrian improvements along West Boulevard from Camden Road to Billy Graham Parkway.
  - The project is currently under construction.
- New traffic signal at Walton Avenue and West Boulevard.
  - The project is currently under construction.

- **Transportation Considerations**

→ See Outstanding Issues, Notes 2-11. [See Outstanding Issues 7 and 15.](#) Addressed

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: vacant (based on tax record).

Entitlement: 1,110 trips per day (based on 16 single family homes; 168 apartment units).

Proposed Zoning: 1,090 trips per day (based on 200 apartment units).

#### **DEPARTMENT COMMENTS** (see full department reports online)

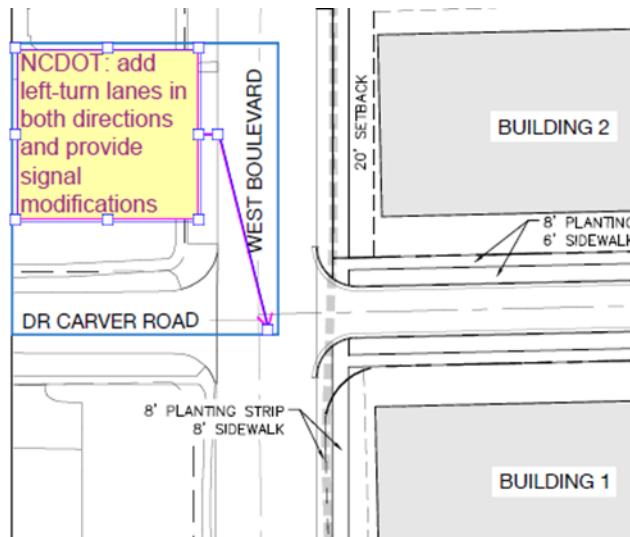
- **Charlotte Area Transit System:** [See Outstanding Issues, Note 1.](#) [Addressed](#)
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 35 students, while the development allowed under the proposed zoning may produce 37 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 2.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Barringer Elementary from 92% to 94%
    - Sedgefield Middle remains at 72%
    - Harding University High from 129% to 130%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Beech Nut Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Beech Nut Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** See Outstanding Issues, Notes 15-16. **Addressed**
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

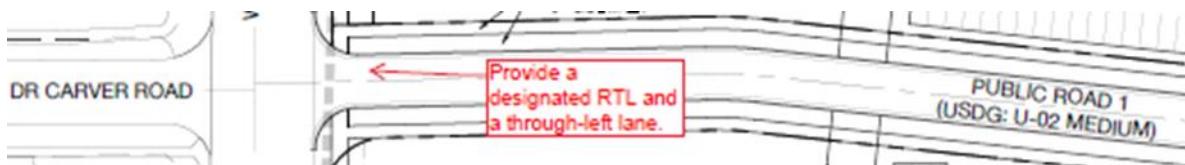
## OUTSTANDING ISSUES

### Transportation

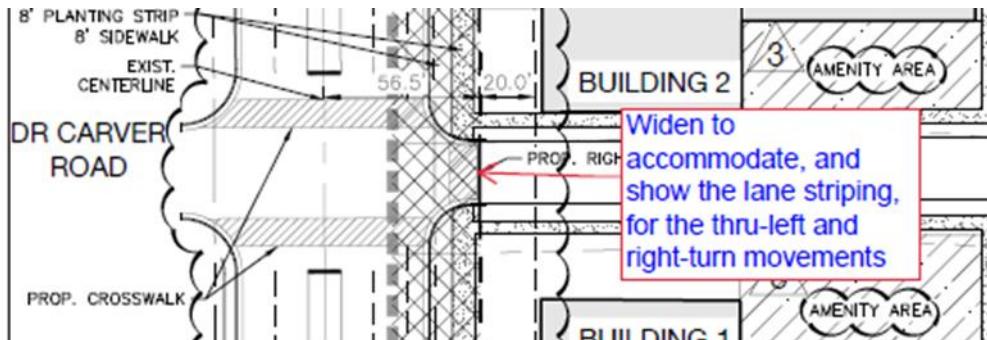
1. ~~The site is located along CATS local bus route #10 on West Boulevard. CATS requests the construction of a new ADA compliant bus waiting and shelter pad per Land Development Standard 60-03A along West Boulevard at Building 2 in alignment with the stop on the opposite of West Blvd. The final location of the pad will be coordinated with the developer through the permitting process. The developer will need to follow NCDOT encroachment requirements.~~ **Addressed**
2. ~~West Boulevard:~~ Relocate the existing curb and gutter to the future location at 38 feet from the road centerline to back of curb, to accommodate a future 4-lane Avenue road cross section with buffered/separated bike lanes and left turn lanes. Label and dimension the curb and gutter from the centerline for each road on the site plan.
3. ~~**Right-of-way Dedication:**~~ **Addressed**
  - a. ~~West Boulevard:~~ Revise site plan and conditional note(s) to commit to dedicate 56 feet of right of way from the road centerline, to provide 2 feet behind the proposed sidewalk.
  - b. ~~Paper Right-of-way:~~ Revise the site plan and conditional notes to dedicate 56 feet of total right of way, 28 feet of right of way from the paper right of way centerline. Label and dimension the right of way from the centerline of each road on the site plan.
4. ~~Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip and 8-foot sidewalk on West Boulevard, as well as an 8-foot planting strip and 6-foot sidewalk on Proposed Public Roads 1 and 2, unless otherwise required by the Subdivision Ordinance. The site plan needs to label and dimension both items from the road centerline.~~ **Addressed**
5. ~~In accordance with the Charlotte BIKES Plan, revise the site plan and conditional notes by committing to the construction of an 8-foot buffered bike lane along the site's West Boulevard frontage. The site plan needs to label and dimension the buffered bike lane from the road centerline.~~ **Addressed**
6. ~~Revise the site plan and conditional notes by committing to the construction of two left turn lanes, on West Boulevard, and providing left turning movements onto Dr. Carver Road and Proposed Public Road 1. Additionally, signal modifications will be required to accommodate the additional left turn lanes and the addition of Public Road 1 as the fourth leg of the intersection. These improvements will be required to be built to NCDOT Standards. A conditional note committing to the left turn lanes and signal modifications needs to be included. Additionally, include a conditional note that commits to coordinating with NCDOT, during permitting, to determine storage lengths, tapers, and any other potential lane striping modifications.~~ **Addressed**



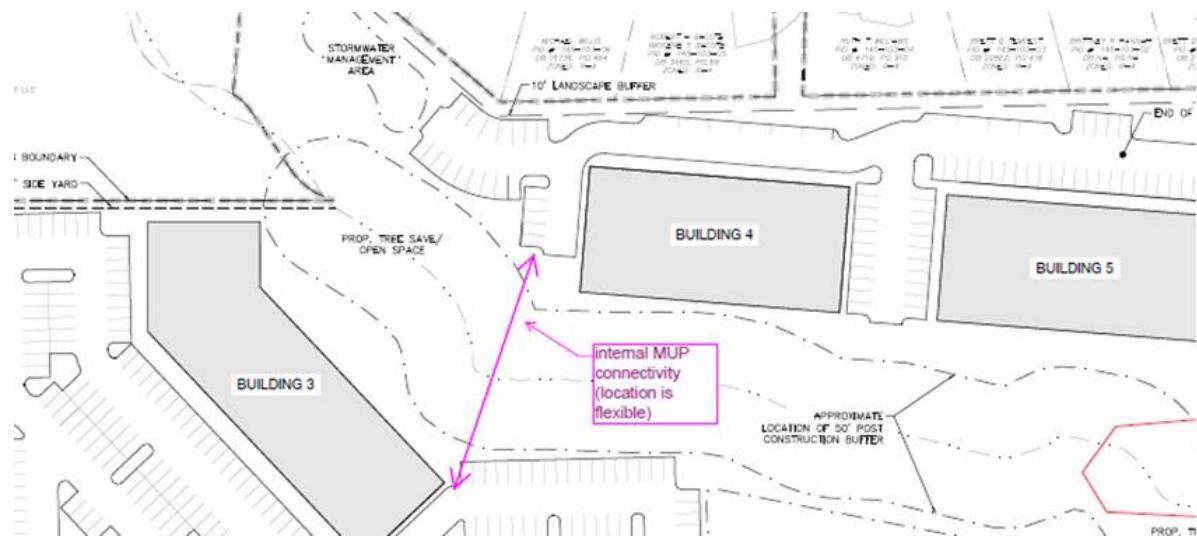
7. Revise the site plan and conditional notes by providing a designated right turn lane on Public Road 1, to turn onto eastbound West Boulevard, and a combined through/left turn lane to cross West Boulevard or to turn onto eastbound West Boulevard. Please show lane striping on Public Road 1. Include turn lane striping as well. ~~The turn lane striping still needs to be shown even though the site layout has changed.~~ Not Addressed **Addressed**



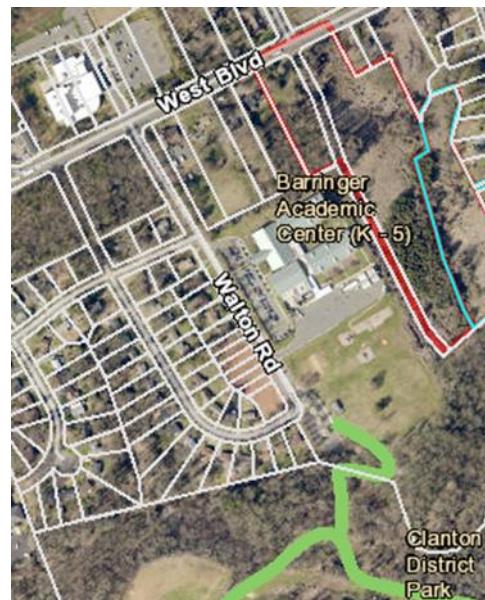
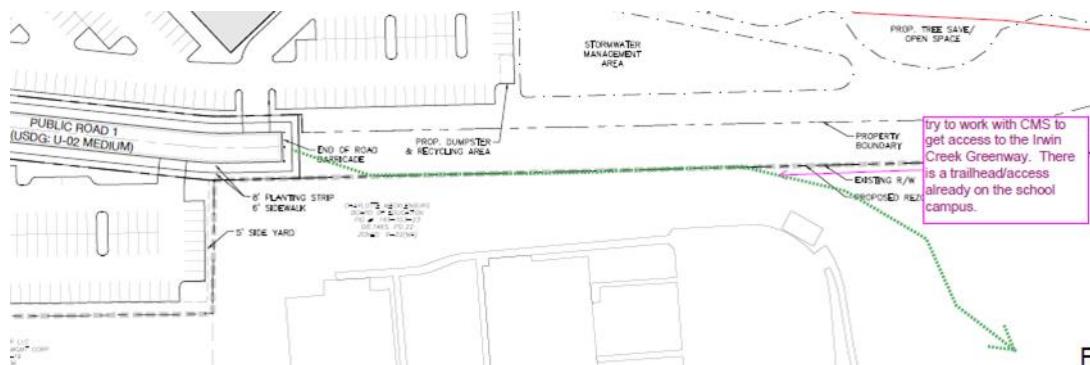
**Update to Comment (03-23-2021 Site Plan):** Revise the site plan and conditional notes to commit to widen, and show the appropriate lane striping, for the aforementioned turning movements on Private Access Drive, formerly "Public Road 1" at the West Blvd./Dr. Carver Intersection. **Addressed**



8. Revise the site plan and conditional notes by committing to the construction of an internal, 12-foot wide, shared-use path to connect the development area for proposed Buildings 4 and 5 to the development area for proposed Buildings 1, 2, and 3. **Update to Comment as a result of the 01-12-2021 Site Plan:** Comment addressed with additional vehicular connection between building areas. **Addressed**



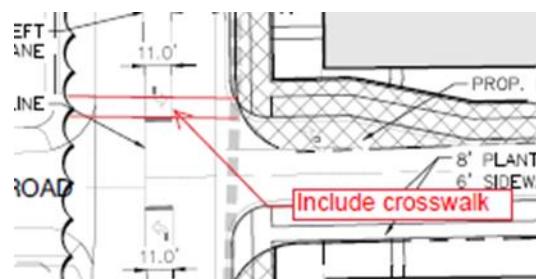
9. Revise the site plan and conditional notes by committing to coordinate with Charlotte-Mecklenburg Schools (CMS) to provide a pedestrian connection/access to the Irwin Creek Greenway. The ICG currently has a trailhead located within the adjacent property of the Berringer Academic Center. Include the conditional note to coordinate with CMS to make the connection to the Irwin Creek Greenway Trailhead. **Addressed**



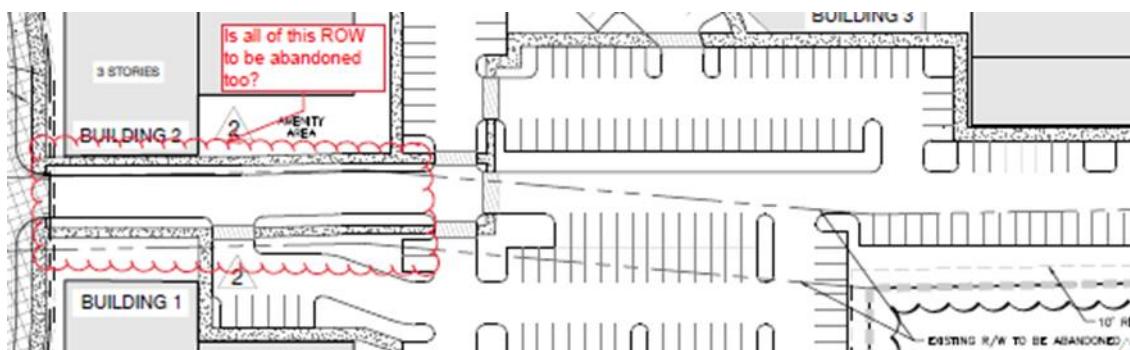
10. Revise the site plan and conditional notes by committing to coordinate with CATS, during permitting, to make improvements to the existing bus stop on West Boulevard. The site plan needs to show the existing bus stop. **Addressed**



11. A site plan note(s) specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible. **Addressed**
12. A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. **Addressed**
13. Revise the site plan and conditional notes to commit to restriping the existing crosswalk, the Dr. Carver/Public Road 1 and West Boulevard intersection, in addition to the turn lane and signal improvements. **Addressed**

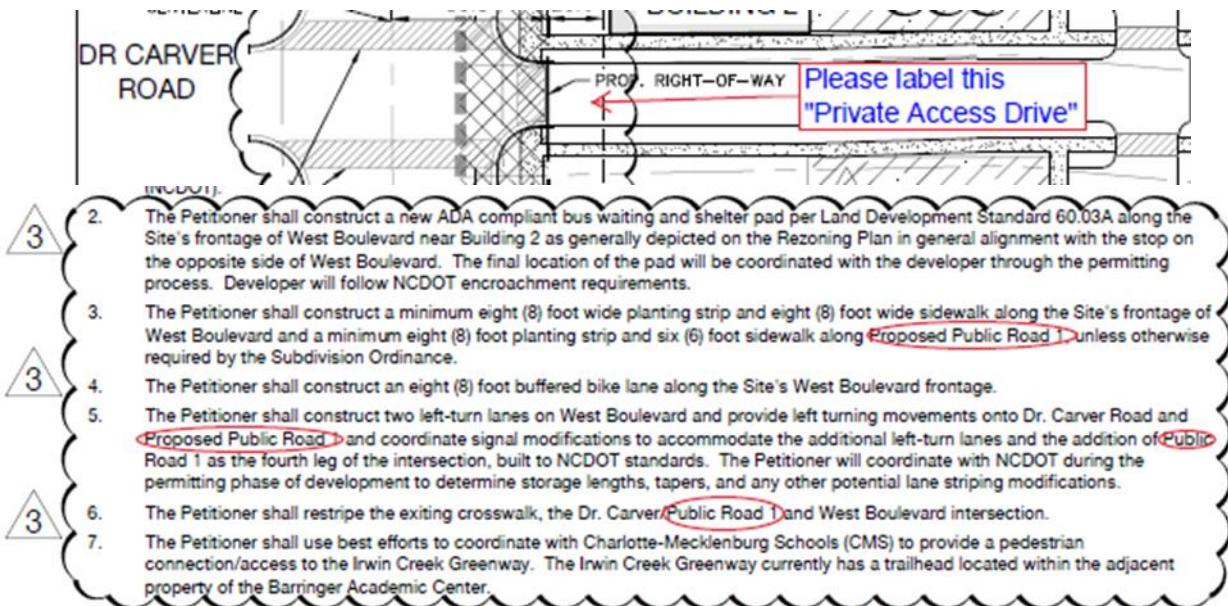


14. Please clearly indicate the limits of right of way abandonment. Will the entire access drive off of West Boulevard be private? I would recommend shading the areas of proposed abandonment. **Addressed**



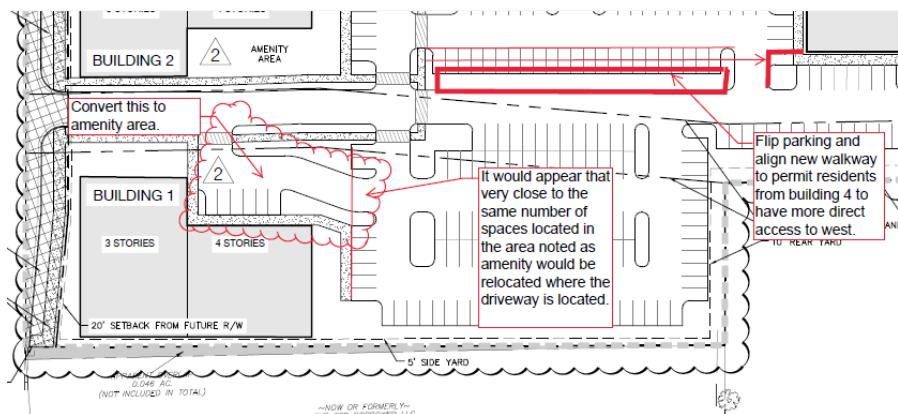
15. **New Comment (03/23/2021 Site Plan):** Revise the site plan by renaming Public Road 1 to "Private Access Drive". Additionally, revise each relative conditional note by changing "Public Road

~~1" to "Private Access Drive". Lastly, since all public roads have been removed, revise the conditional notes by removing any references to "Public Road 1".~~ Addressed



#### Site and Building Design

16. Revise site plan to clearly show that the R-4 portion is not part of the rezoning. Ensure rezoning boundary clearly differentiates this information. Addressed
17. Provide a development note committing to the 20' Class C landscape buffer shown on the site plan. Addressed
18. Clarify screening proposed between Building 2 and the abutting residence. Addressed
19. Under Note IV.4.b please change the language to restrict heights instead of stories for the following note as there are different definitions of stories than building code. Petitioner can choose to list a maximum height along certain sides of the building instead. Addressed
20. If the hatched area is the future right of way to be dedicated, how are Buildings 1 and 2 meeting the 20-foot setback? Please make sure this is dimensioned and shown correctly on the rezoning plan changes cannot be made during the plan review based on incorrect dimensions shown on the rezoning. Addressed
21. Provide a development note committing to the streetscape along West Boulevard. Addressed
22. In earlier plans, an amenity area was said to have been located along the creek. Please note its existence. Addressed
23. Under Architectural Standards Note IV.8, provide the minimum area where all outdoor amenities will be located. Addressed
24. Convert area in front of Building 1 (where parking is located) to amenity area.
25. Flip parking and align new walkway to permit residents from Building 4 to have more direct continued pedestrian access to the west, connecting to proposed sidewalk along West Boulevard.  
New Comment: The pedestrian connections between the site and West Boulevard are still not ideal. Petitioner should consider availability of more safe and accommodating options. Addressed



~~26. The row of parking opposite Building 4 should be broken up with at least 3 trees. A portion of the parking area has been reconfigured to reflect parallel parking.~~

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Claire Lyte-Graham (704) 336-3782





# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 24. **File #:** 15-15575 **Type:** Zoning Decision

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## **Rezoning Petition: 2021-002 by City of Charlotte, Aviation Department**

**Location:** Approximately 4.98 acres located south of Byrum Drive, east of I-485, and west of Yorkmont Road. (Council District 3 - Watlington)

**Current Zoning:** R-3 AIR (single-family residential, airport noise overlay)

**Proposed Zoning:** I-2 AIR (general industrial, airport noise overlay)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis



## **Zoning Committee Recommendation**

**Rezoning Petition 2021-002**

**March 30, 2021**

### **REQUEST**

Current Zoning: R-3 AIR (single family residential, airport noise overlay)

Proposed Zoning: I-2 AIR (general industrial, airport noise overlay)

### **LOCATION**

Approximately 4.98 acres located south of Byrum Drive, east of I-485, and west of Yorkmont Road.

(Council District 3 - Watlington)

### **PETITIONER**

City of Charlotte Aviation Department

### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **consistent** with the *Southwest District Plan* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends office/industrial land uses for the site.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area.
- The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning.
- The site is just south of Charlotte-Douglas International Airport, surrounded by industrial uses.

Motion/Second: Blumenthal / Kelly

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused: None

### **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is Choose an item. with the adopted area plan.

**PLANNER**

There was no further discussion of this petition.

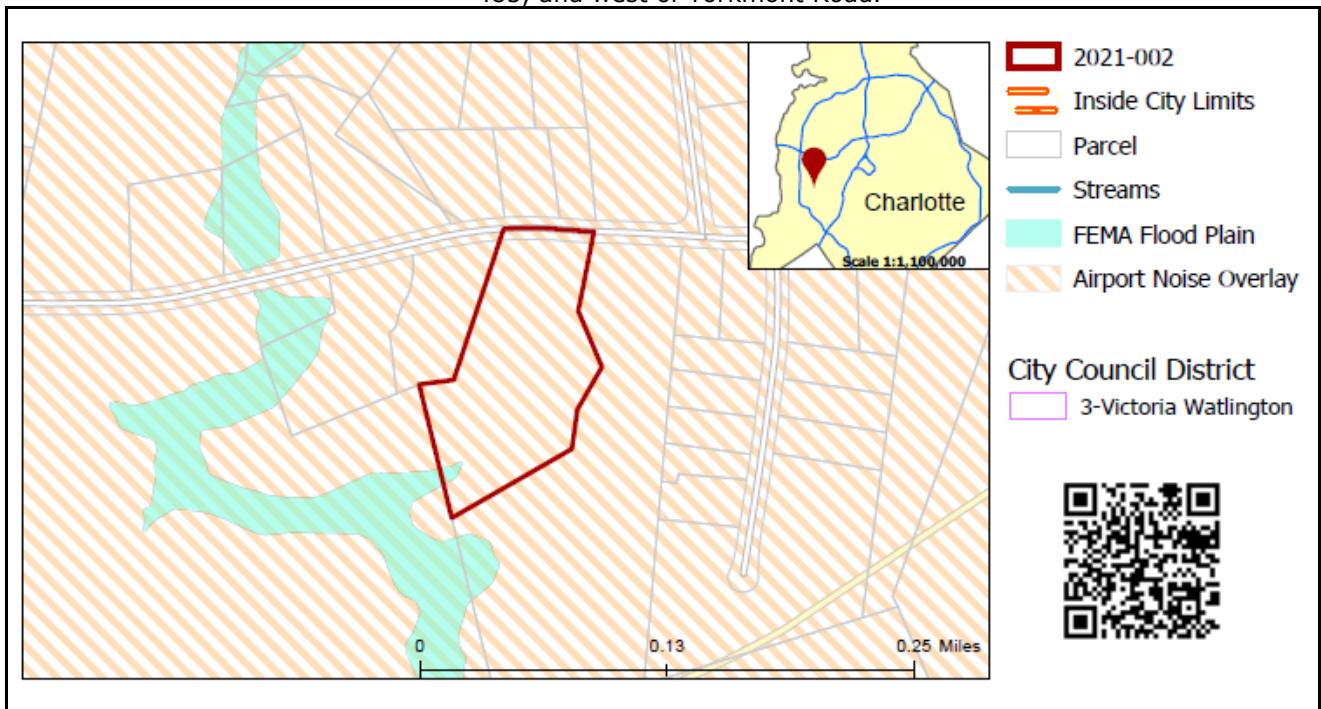
Joe Mangum (704) 353-1908

**REQUEST**

Current Zoning: R-3 AIR (single family residential, airport noise overlay)  
Proposed Zoning: I-2 AIR (general industrial, airport noise overlay)

**LOCATION**

Approximately 4.98 acres located south of Byrum Drive, east of I-485, and west of Yorkmont Road.



**SUMMARY OF PETITION**

The petition proposes to rezone a vacant parcel in west Charlotte to allow all uses permitted within the I-2 zoning district.

**PROPERTY OWNER**

City of Charlotte

**PETITIONER**

City of Charlotte Aviation Department

**AGENT/REPRESENTATIVE**

Stuart Hair

**COMMUNITY MEETING**

Meeting is not required.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

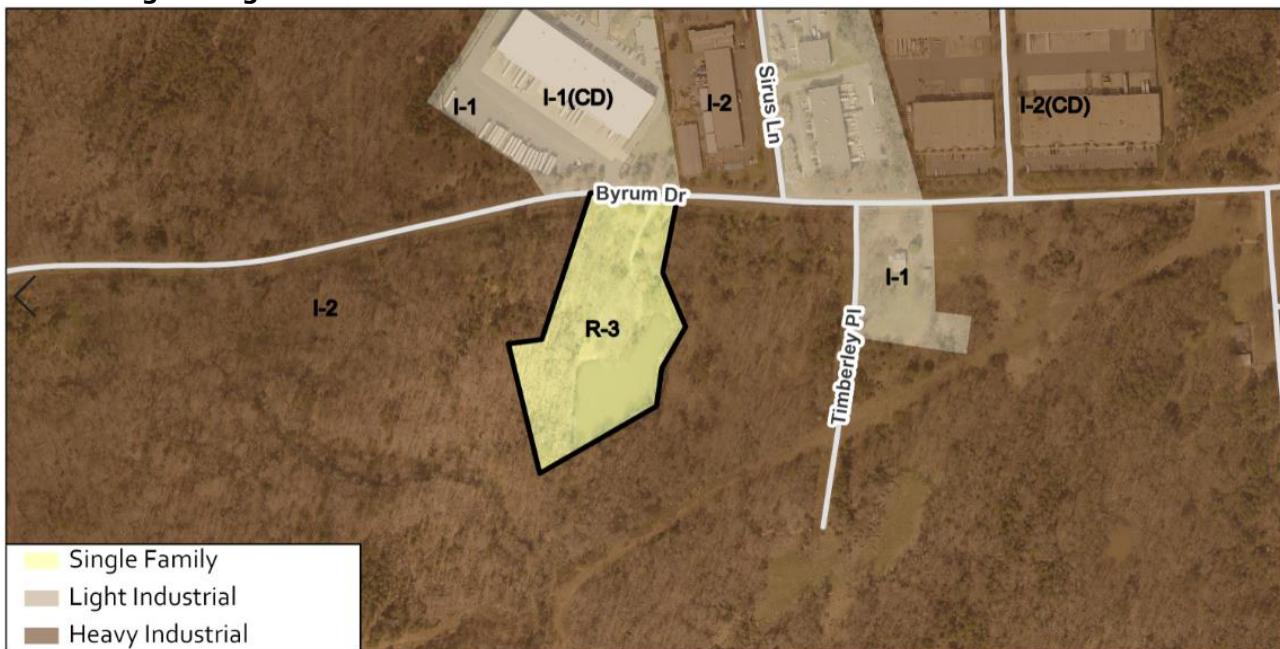
The petition is **consistent** with the office/industrial land uses recommended for this site as per the *Southwest District Plan* (adopted 1991).

Rationale for Recommendation

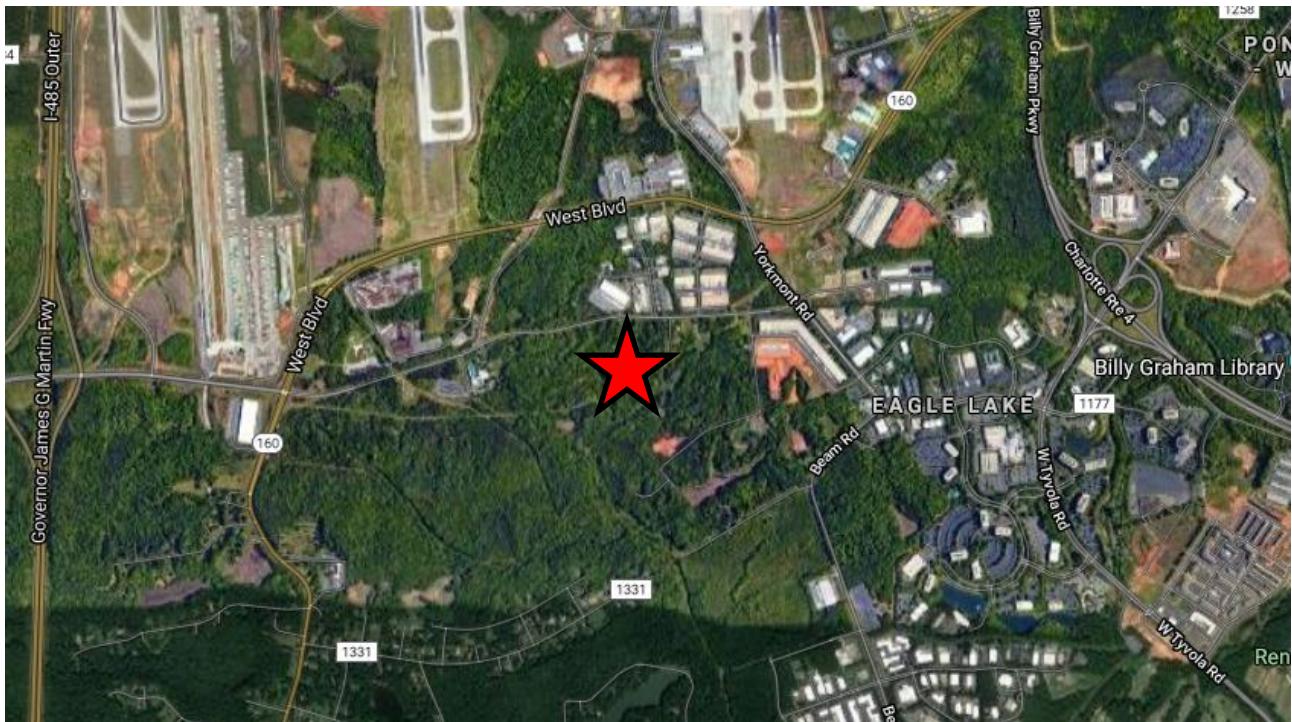
- The proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area.
- The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning.
- The site is just south of Charlotte-Douglas International Airport, surrounded by industrial uses.

**PLANNING STAFF REVIEW****• Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

**• Existing Zoning and Land Use**

The site is surrounded by vacant wooded land and warehouse/distribution uses. All of the surrounding properties are zoned industrial. Charlotte Douglas International Airport is located less than one mile to the north.



The general location of the subject property is marked with a red star.



The property to the north is developed with warehouse/distribution uses.



The property to the east is vacant wooded land.

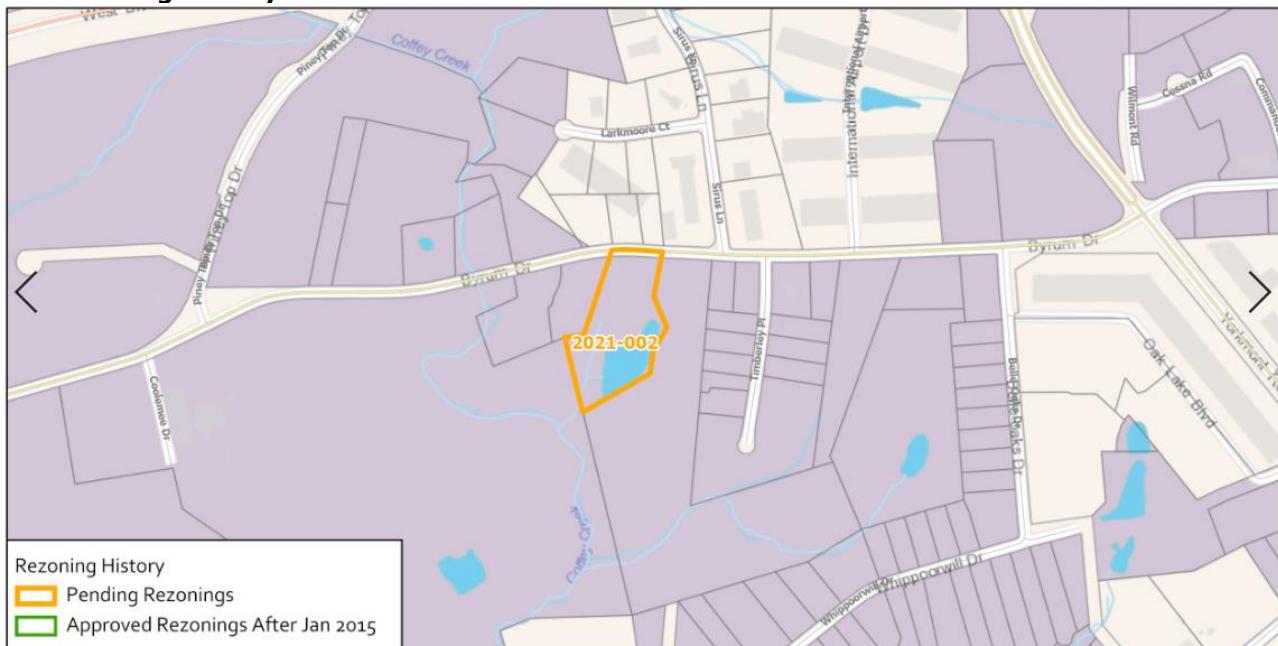


The property to the south is vacant wooded land.



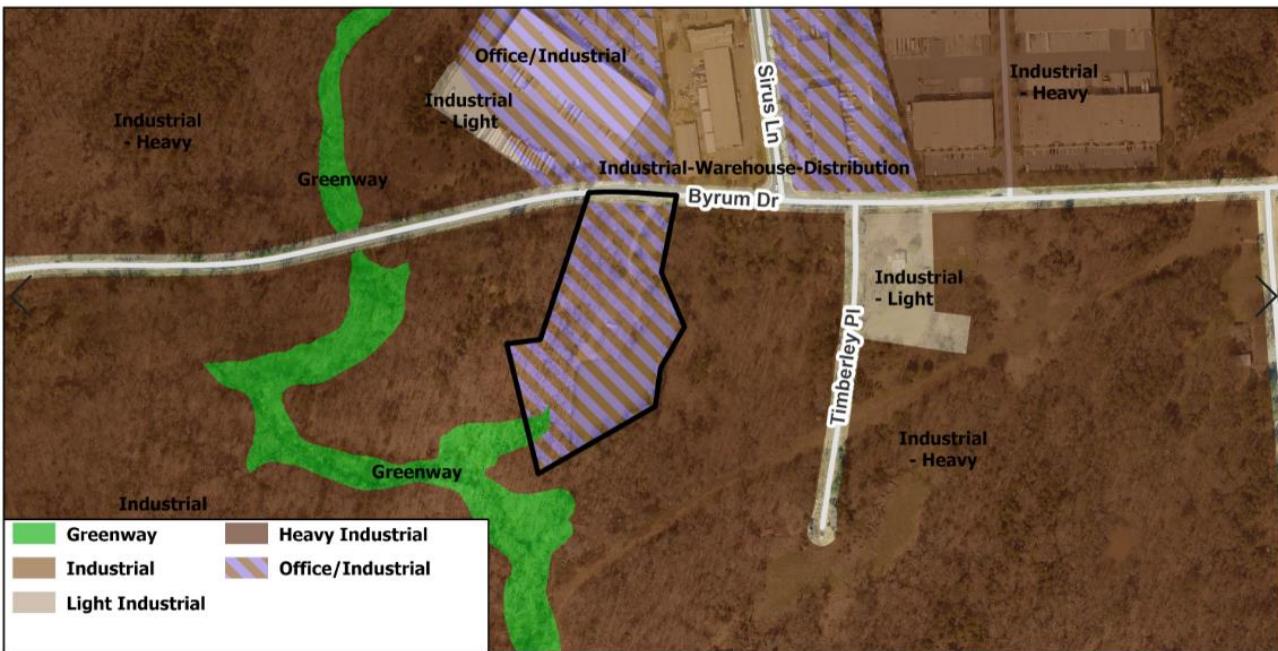
The property to the west is vacant wooded land.

- **Rezoning History in Area**



There are no recent rezonings in the vicinity of this site.

- **Public Plans and Policies**



- The *Southwest District Plan* (adopted 1991) recommends office/industrial land uses for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on Byrum Road, a State-maintained collector street, in between Yorkmont Road and Piney Top Drive. This site is within the Airport Industrial Activity Center with no active projects nearby. As this is a conventional rezoning, during permitting, CDOT will coordinate with the petitioner to include infrastructure in accordance with the City's Ordinances, Area Plans, and Policies as applicable. CDOT has no outstanding items with this petition.

- **Active Projects:**

- There are no active projects in the vicinity of this site.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 10 trips per day (based on one single family home).

Entitlement: 30 trips per day (based on three single family homes).

Proposed Zoning: 165 trips per day (based on 74,700 sf warehouse).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
  - **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
  - **Charlotte Department of Solid Waste Services:** No comments submitted.
  - **Charlotte-Douglas International Airport:** No comments submitted.
  - **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
  - **Charlotte-Mecklenburg Police Department:** No comments submitted.
  - **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
  - **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Engineering and Property Management:**
    - **Arborist:** No comments submitted.
    - **Erosion Control:** No comments submitted.
    - **Land Development:** No comments submitted.
    - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
    - **Urban Forestry:** No comments submitted.
  - **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- 

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704-353-1908)



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 25. **File #:** 15-15576 **Type:** Zoning Decision

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## **Rezoning Petition: 2021-005 by City of Charlotte, Aviation Department**

**Location:** Approximately 108.67 acres located on the south side of Wilkinson Boulevard, east of Interstate 485, and west of Billy Graham Parkway. (Council District 3 - Watlington)

**Current Zoning:** R-4 LLWPA AIR (single-family residential, Lower Lake Wylie protected area, airport noise overlay), I-1 (CD) LLWPA AIR (light industrial, Lower Lake Wylie Protected area, airport noise overlay), and I-1 (LLWPA AIR (light industrial, Lower Lake Wylie protected area, airport noise overlay)

**Proposed Zoning:** I-2 LLWPA AIR (general industrial, Lower Lake Wylie protected area, airport noise overlay)

**Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Zoning Committee Recommendation  
Final Staff Analysis

## **Zoning Committee Recommendation**

**Rezoning Petition 2021-005**

**March 30, 2021**

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### **REQUEST**

Current Zoning: R-4 LLWPA AIR (single family residential, Lower Lake Wylie protected area, airport noise overlay), I-1(CD) LLWPA AIR (light industrial, conditional, Lower Lake Wylie protected area, airport noise overlay), and I-1 LLWPA AIR (light industrial, Lower Lake Wylie protected area, airport noise overlay)  
Proposed Zoning: I-2 LLWPA AIR (general industrial, Lower Lake Wylie protected area, airport noise overlay)

### **LOCATION**

Approximately 108.67 acres located on the south side of Wilkinson Boulevard, east of Interstate 485, and west of Billy Graham Parkway (Council District 3 - Watlington)

### **PETITIONER**

City of Charlotte Aviation Department

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### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Southwest District Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends office/industrial land uses.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area.
- The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning.
- The site is just north of Charlotte-Douglas International Airport, under the flight path to Runway 18R/36L.

Motion/Second: Welton / Barbee

Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel, and Welton

Nays: None

Absent: McMillan

Recused: None

**ZONING COMMITTEE  
DISCUSSION** Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER** Lisa Arnold (704) 336-5967

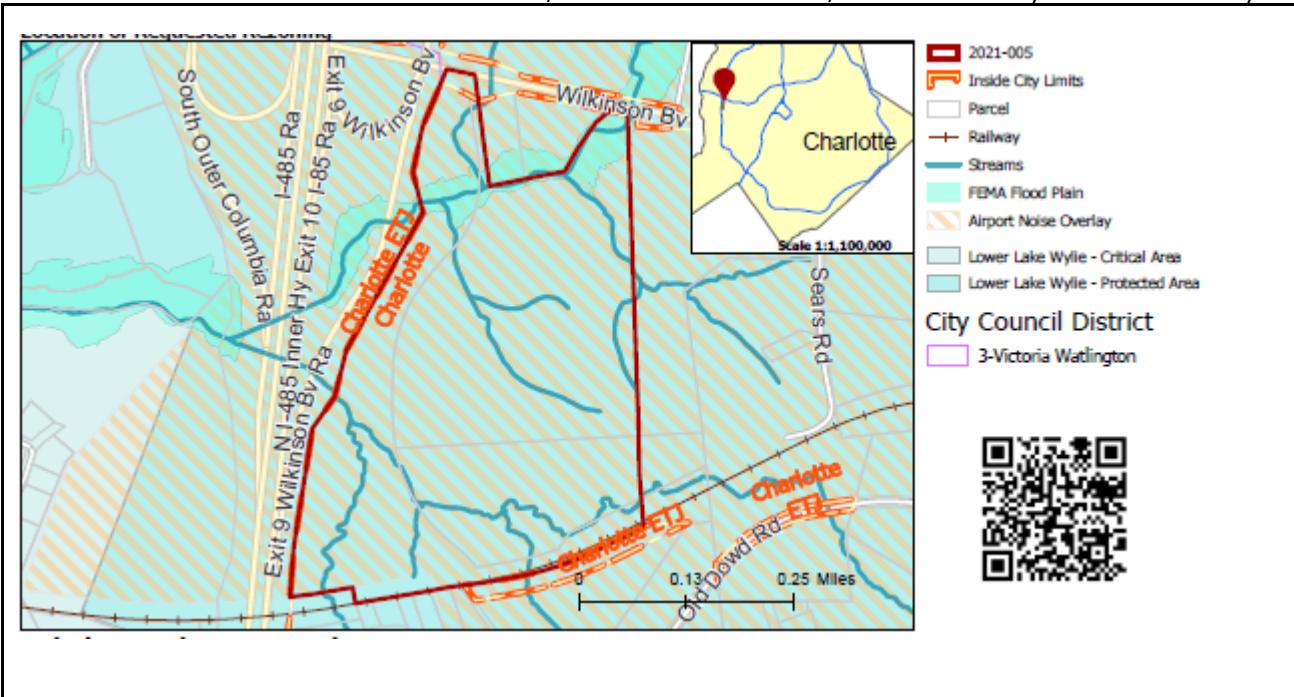
**REQUEST**

Current Zoning: R-4 LLWPA AIR (single family residential, Lower Lake Wylie protected area, airport noise overlay), I-1(CD) LLWPA AIR (light industrial, conditional, Lower Lake Wylie protected area, airport noise overlay), and I-1 LLWPA AIR (light industrial, Lower Lake Wylie protected area, airport noise overlay)

Proposed Zoning: I-2 LLWPA AIR (general industrial, Lower Lake Wylie protected area, airport noise overlay)

**LOCATION**

Approximately 108.67 acres located on the south side of Wilkinson Boulevard, east of Interstate 485, and west of Billy Graham Parkway



**SUMMARY OF PETITION**

The petition proposes to rezone a vacant parcel in west Charlotte to allow all uses permitted within the I-2 zoning district.

**PROPERTY OWNER**

City of Charlotte - Aviation

**PETITIONER**

City of Charlotte Aviation Department

**AGENT/REPRESENTATIVE**

City of Charlotte, Stuart Hair

**COMMUNITY MEETING**

Meeting is not required.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the office/industrial land uses recommended for this site as per the *Southwest District Plan* (adopted 1991).

Rationale for Recommendation

- The proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area.

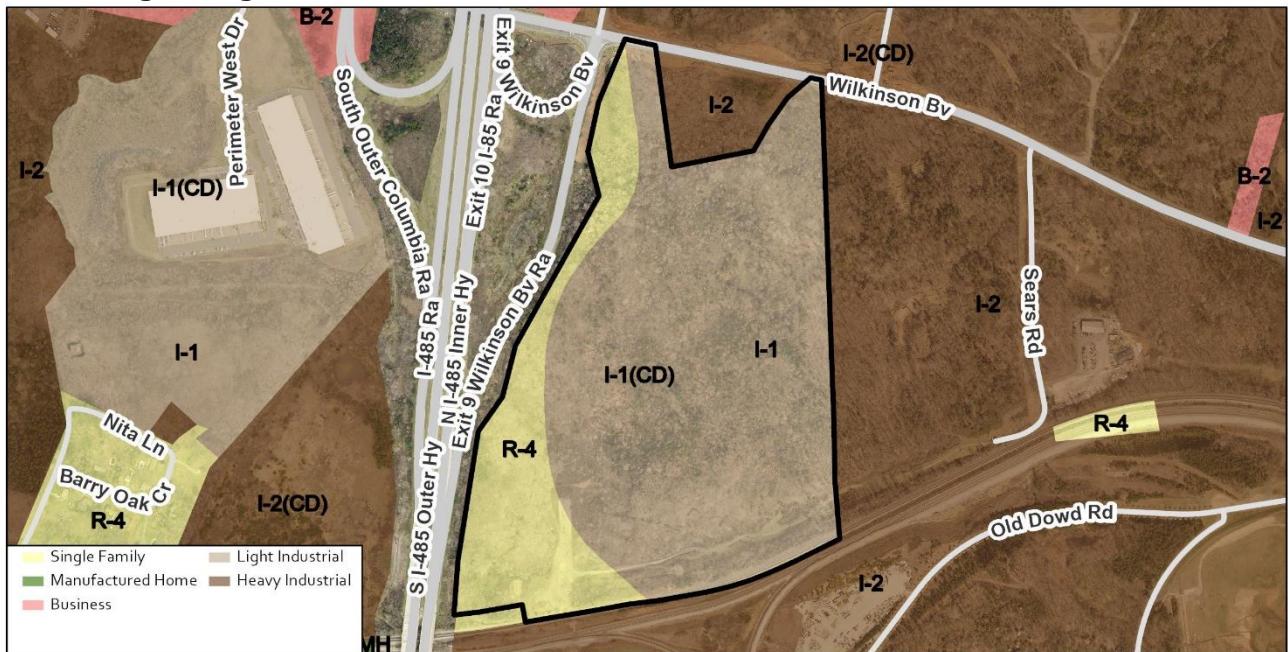
- The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning.
- The site is just north of Charlotte-Douglas International Airport, under the flight path to Runway 18R/36L.

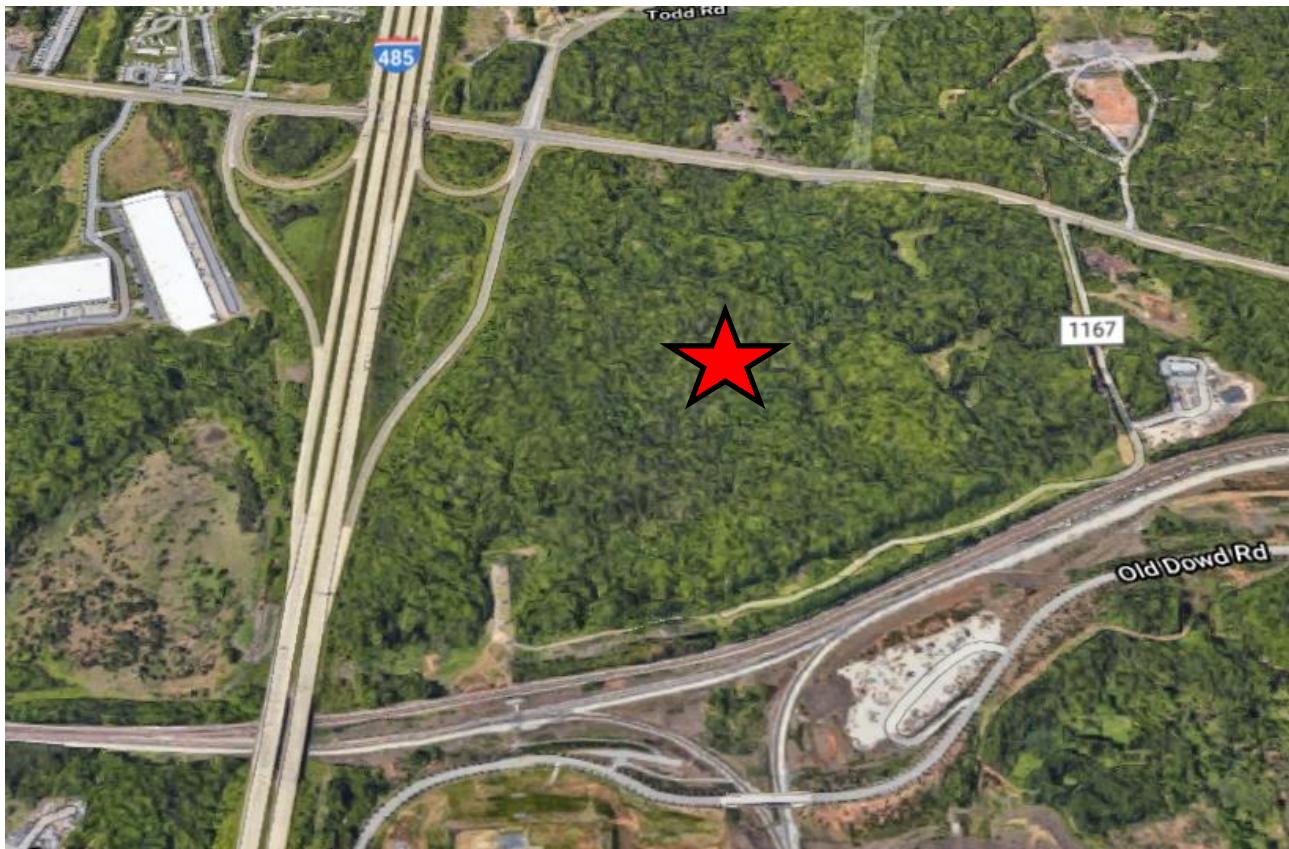
## PLANNING STAFF REVIEW

### • Proposed Request Details

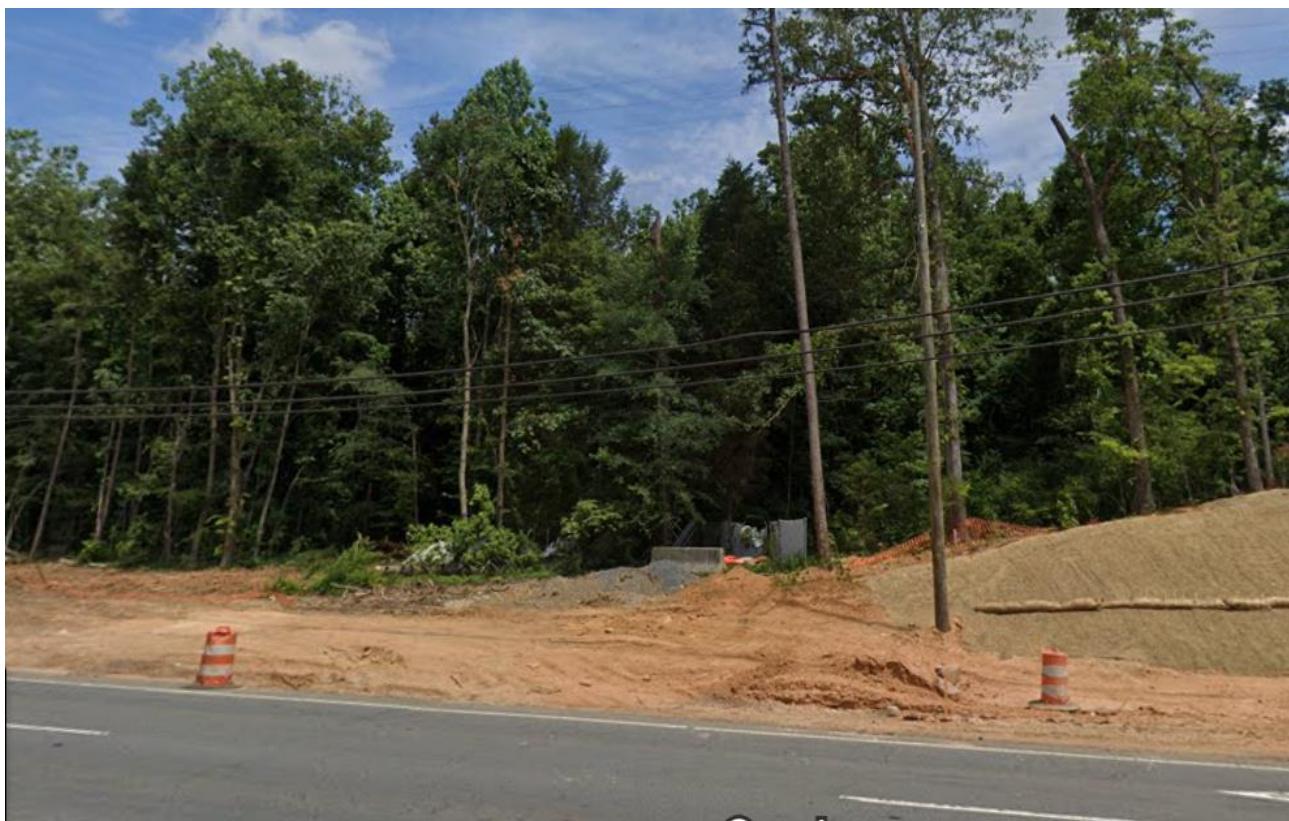
This is a conventional rezoning petition with no associated site plan.

### • Existing Zoning and Land Use





The subject property is located north of Old Dowd Road and is undeveloped wooded land. The site is marked with a red star.



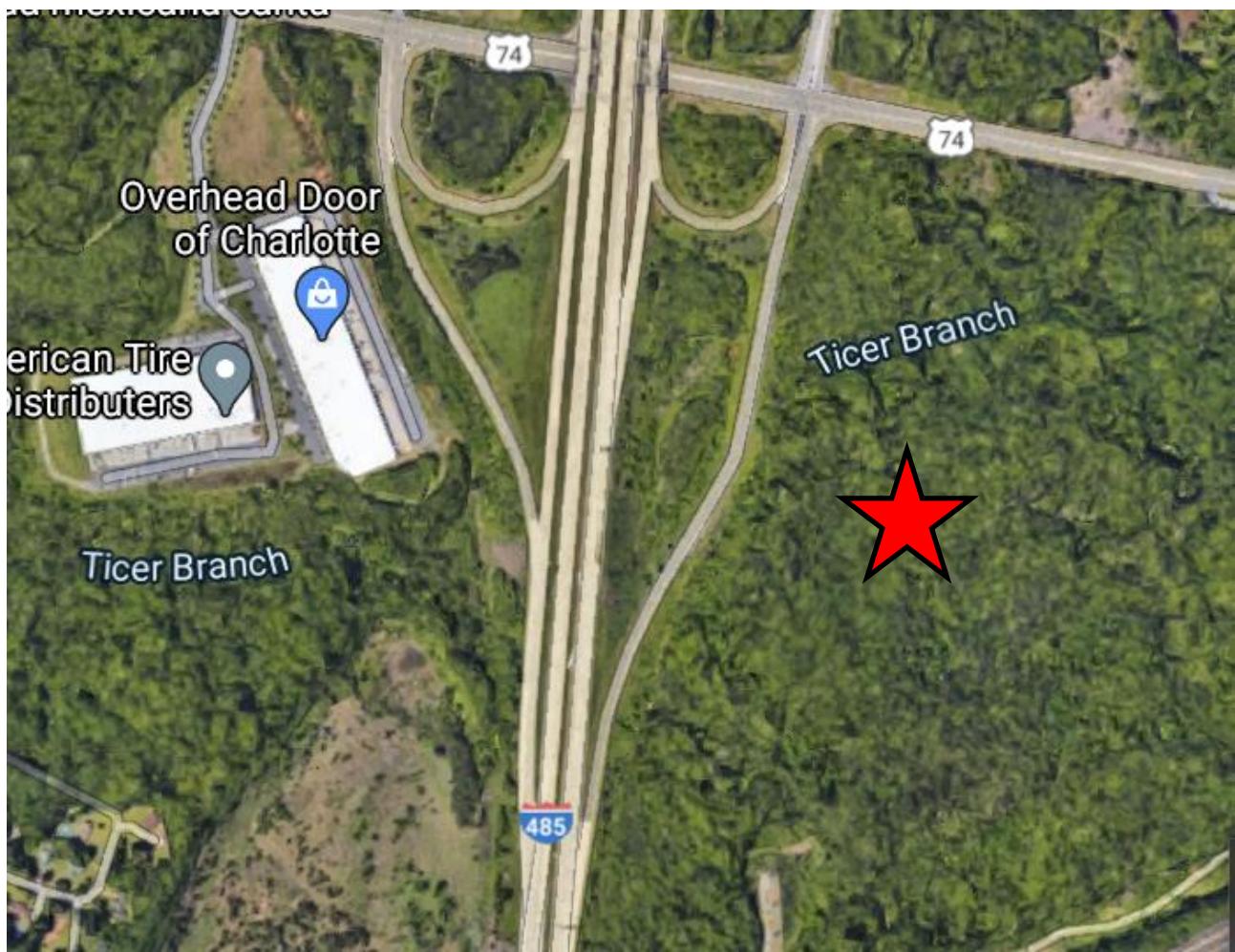
The properties to the north are undeveloped industrial zoned property.



The property to the south is the Charlotte Douglas International Airport.

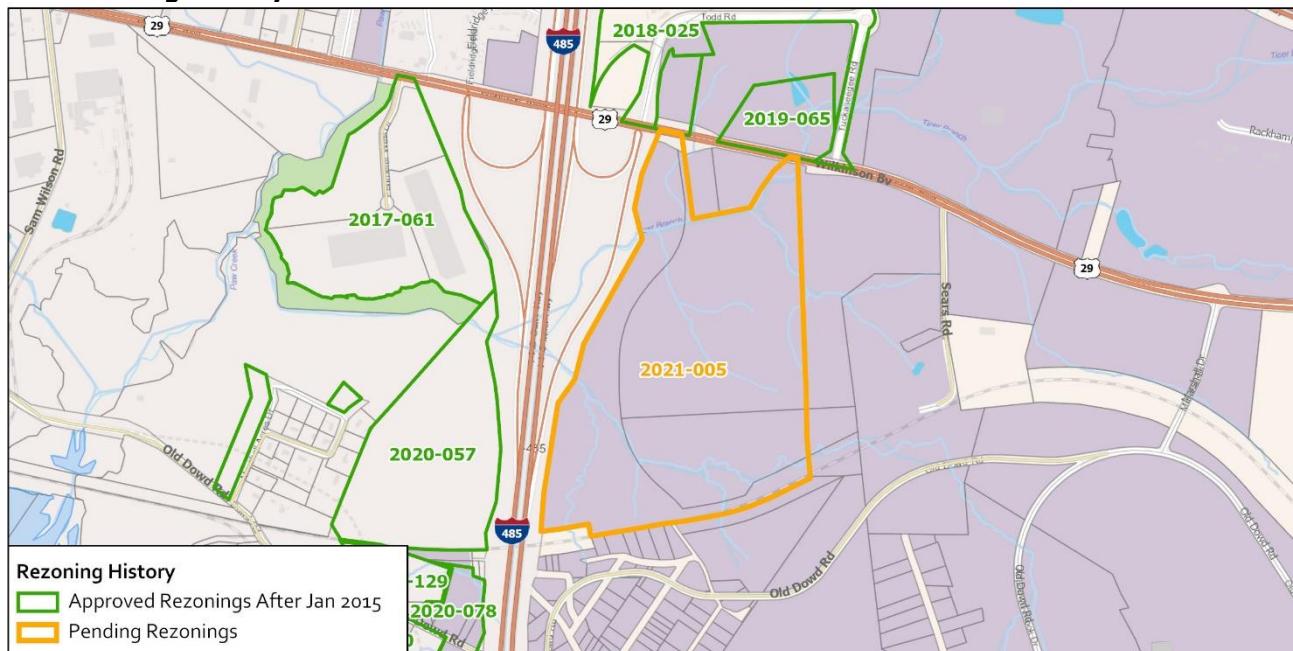


The property to the east is undeveloped industrial zoned land.



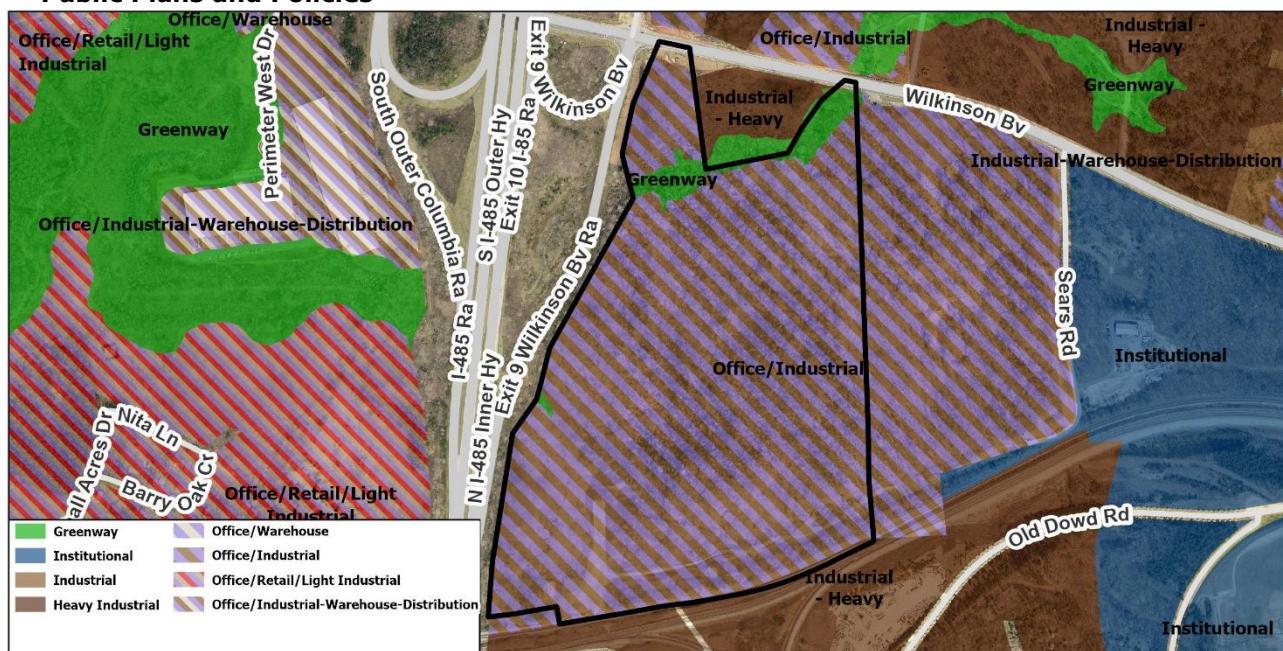
The land to the west of the site consists of I-485 then industrial development. The subject property is marked with a red star.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-061	The petition rezoned property to I-1(CD) SPA LLWPA (light industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area) to amend the previously approved site plan in order to eliminate a restriction on the amount of permitted warehouse/distribution space.	Approved
2018-025	The petition rezoned property to I-2 (CD) AIR LLWPA (general industrial, conditional, Airport Noise Overlay, Lower Lake Wylie Protected Area) to allow all permitted uses within the I-2 zoning district.	Approved
2018-129	The petition rezoned property to I-2(CD) LLWCA (general industrial, conditional, Lower Lake Wylie Critical Area) to allow a concrete manufacturing facility on land currently used as truck parking and repair	Approved
2019-065	The petition rezoned property to I-2 AIR LLWPA to allow all uses permitted in the I-2 zoning district.	Approved
2020-057	The petition rezoned property to I-2(CD) LLWPA LLWCA AIR (general industrial, conditional, Lower Lake Wylie Protected Area, Lower Lake Wylie Critical Area, Airport Noise Overlay) to allow up 600,000 square feet of industrial uses.	Approved
2020-078	The petition rezoned property to I-2 LLWPA to allow all uses in the I-2 zoning district.	Approved

- Public Plans and Policies**



- The Southwest District Plan (adopted 1991) recommends office/industrial land uses for this site.

- TRANSPORTATION SUMMARY**

- The site is located on Wilkinson Boulevard, a State-maintained major thoroughfare, outside the limits of Route 4. Additionally, this site is located within the Airport Industrial Activity Center and inside the limits of the Westside Strategy Plan Study Area and the I-485 Interchange Analysis

- Active Projects:**

- LYNX Silver Line
  - Proposed 26-mile light rail project from the City of Belmont in Gaston County, through Center City Charlotte and the Town of Matthews, with a potential extension into Union County.
  - Currently in Planning phase

- Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 2,695 trips per day (based on 702,000 SF warehouse and 153 Dwellings).

Proposed Zoning: 2,625 trips per day (based on 1,630,050 SF warehouse based on I-2 acreage).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Sears Road.

Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 12-inch gravity sewer main located along the center of the rezoning boundary. No outstanding issues.

- **Engineering and Property Management:**

- **Arborist:** No comments submitted.
- **Erosion Control:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Lisa Arnold (704) 336-5967



# City of Charlotte

Charlotte-Mecklenburg  
Government Center  
600 East 4th Street  
Charlotte, NC 28202

**Agenda Date:** 4/19/2021

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**Agenda #:** 26. **File #:** 15-15577 **Type:** Zoning Decision

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## **Rezoning Petition: 2021-032 by E-Fix Development Co., LLC**

**Location:** Approximately 0.298 acres located along the south side of LaSalle Street, on the east side of Taylor Avenue, and west of Beatties Ford Road. (Council District 2 - Graham)

**Current Zoning:** O-2 PED (office district, pedestrian overlay)

**Proposed Zoning:** B-1 PED-O (neighborhood business, pedestrian overlay - optional)

### **Zoning Committee Recommendation:**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.

### **Staff Recommendation:**

Staff recommends APPROVAL of this petition.

### **Attachments:**

Zoning Committee Recommendation

Final Staff Analysis

Site Plan



## **Zoning Committee Recommendation**

**Rezoning Petition 2021-032**

**March 30, 2021**

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### **REQUEST**

Current Zoning: O-2 PED (office, pedscape overlay)  
Proposed Zoning: B-1 PED-O (neighborhood business, pedscape overlay, optional)

### **LOCATION**

Approximately 0.298 acres located along the south side of LaSalle Street, on the east side of Taylor Avenue, and west of Beatties Ford Road.  
(Council District 2 - Graham)

### **PETITIONER**

E-FIX Development CO., LLC

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### **ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *West End Land Use & Pedscape Plan* (2005) based on the information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family/office/retail uses.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This petition proposes a new parking lot along Taylor Avenue to service the existing businesses on the parcels to the right of the site and is consistent with the *West End Land Use & Pedscape Plan* (2005) recommendation of multi-family/office/retail.
- The site plan includes an 8-foot planting strip and 6-foot sidewalk along Taylor Avenue, in agreement with the area plan recommendation.
- The site plan proposes a 5-foot sidewalk and 7-foot planting strip along Lasalle Street. While these widths are narrower than what the area plan recommends for this street, they are consistent with the width of the existing sidewalk on adjacent parcels.
- The site plan proposes ADA accessible ramps on both Taylor Avenue and Lasalle Street, in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right-of Way Accessibility Guidelines (PROWAG).
- The construction of a parking lot and sidewalk on this facility will increase the utility and safety for the businesses located

on Lasalle Avenue and for their customers who either drive or walk.

Motion/Second: Welton / Barbee  
Yea: Barbee, Blumenthal, Kelly, Nwasike, Samuel,  
and Welton  
Nays: None  
Absent: McMillan  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

There was no further discussion of this petition.

**PLANNER**

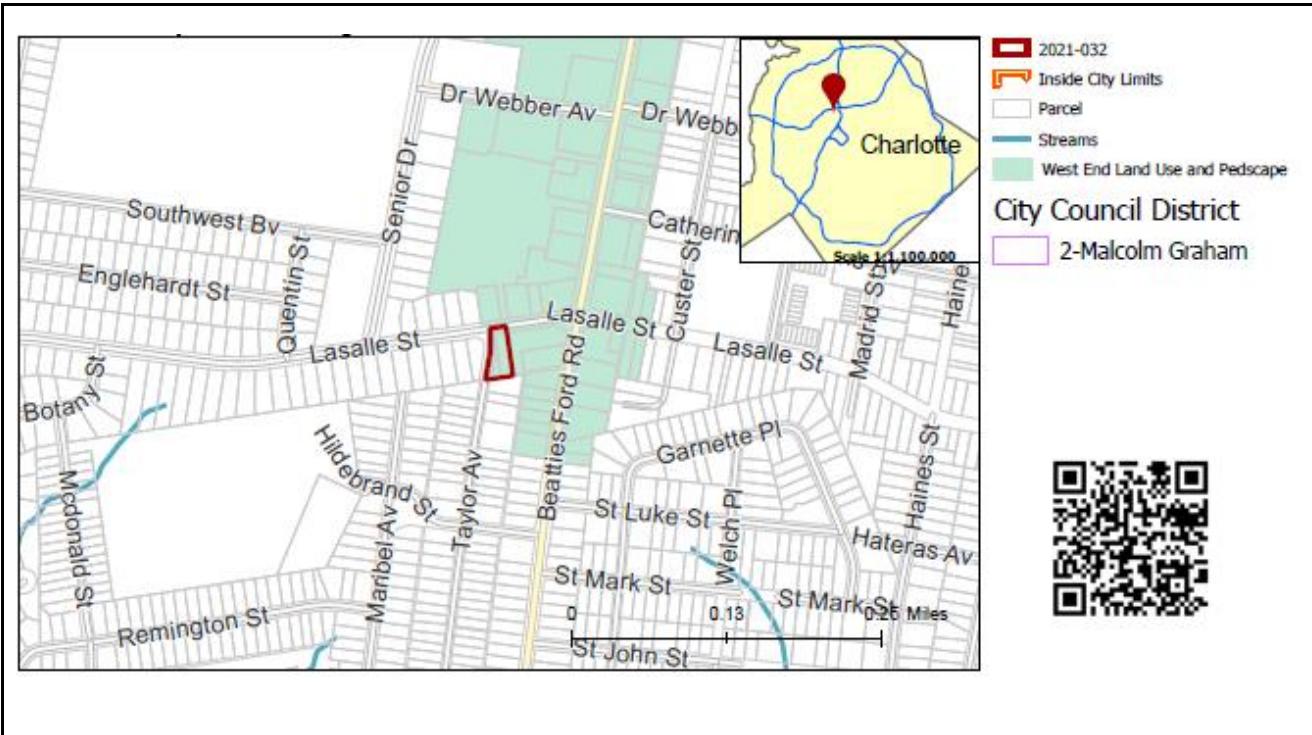
Michael Russell (704) 353-0225

**REQUEST**

Current Zoning: O-2 PED (office, pedscape overlay)  
 Proposed Zoning: B-1 PED-O (neighborhood business, pedscape overlay, optional)

**LOCATION**

Approximately 0.298 acres located along the south side of LaSalle Street, on the east side of Taylor Avenue, and west of Beatties Ford Road.



**SUMMARY OF PETITION**

The petition proposes an updated paved parking area to serve the abutting shopping center and an accessory service lane for a financial institution.

**PROPERTY OWNER**

E-FIX Development CO., LLC

**PETITIONER**

E-FIX Development CO., LLC

**AGENT/REPRESENTATIVE**

Timothy Foley, Henson Foley, Inc.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
 Number of people attending the Community Meeting: 1

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *West End land Use & Pedscape Plan (2005)* recommendation of multi-family/office/retail.

Rationale for Recommendation

- This petition proposes a new parking lot along Taylor Avenue to service the existing businesses on the parcels to the right of the site and is consistent with the *West End Land Use & Pedscape Plan (2005)* recommendation of multi-family/office/retail.

- The site plan includes an 8-foot planting strip and 6-foot sidewalk along Taylor Avenue, in agreement with the area plan recommendation.
- The site plan proposes a 5-foot sidewalk and 7-foot planting strip along Lasalle Street. While these widths are narrower than what the area plan recommends for this street, they are consistent with the width of the existing sidewalk on adjacent parcels.
- The site plan proposes ADA accessible ramps on both Taylor Avenue and Lasalle Street, in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right-of Way Accessibility Guidelines (PROWAG).
- The construction of a parking lot and sidewalk on this facility will increase the utility and safety for the businesses located on Lasalle Avenue and for their customers who either drive or walk.

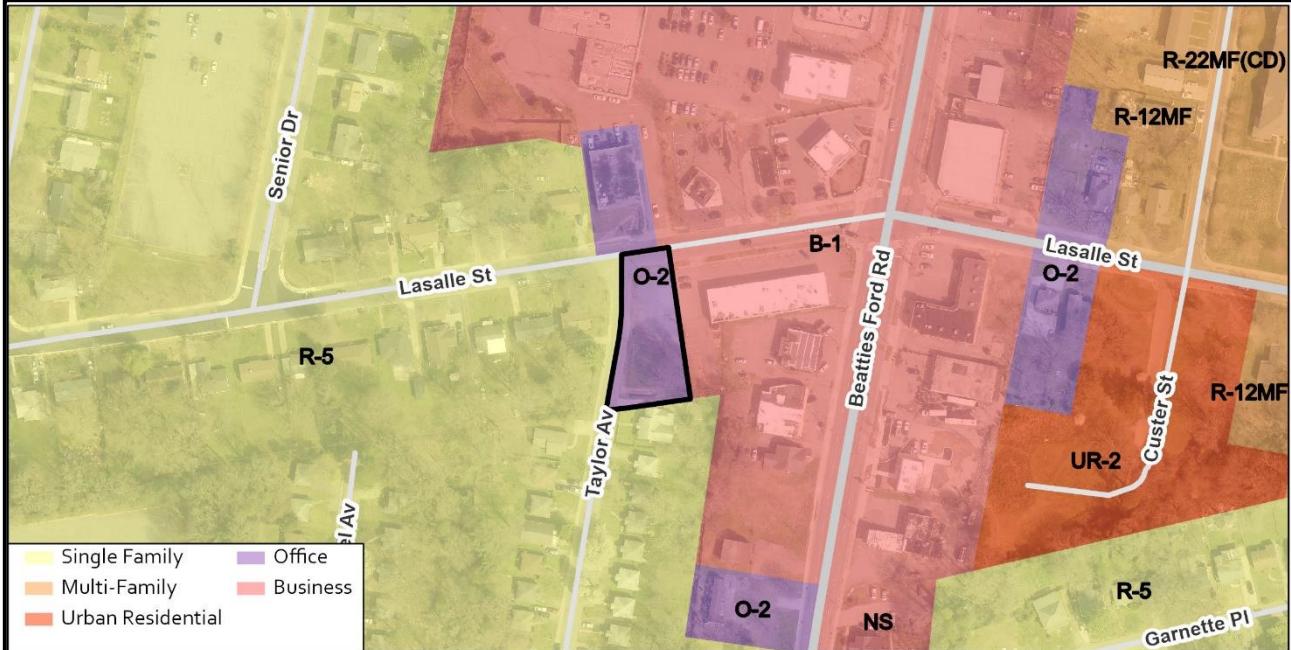
### PLANNING STAFF REVIEW

- Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes an updated paved parking area with 16 parking spaces.
- Proposes an accessory service lane for an abutting ATM.
- Optional provisions:
  - To allow parking between the building and Taylor Avenue.
  - To allow circulation for an accessory drive through lane for a financial institution between the building and the street.
  - To provide a 7-foot planting strip and a 5-foot sidewalk along Lasalle Street.
- Commits to an 8-foot planting strip, 6-foot sidewalk, and accessible ramps along Taylor Avenue.
- Commits to a maximum height of 22-feet for free-standing lighting fixtures.

- Existing Zoning and Land Use**



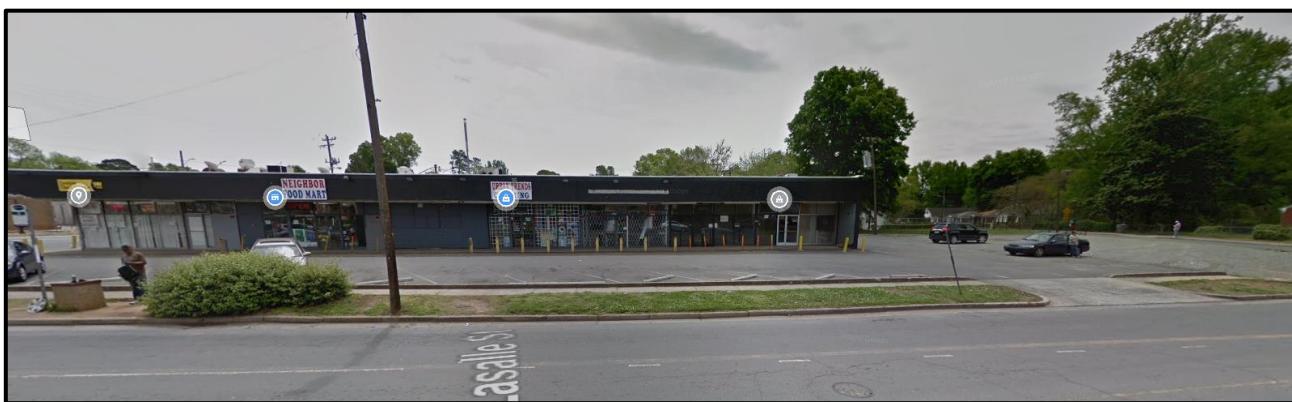
The surrounding land uses include single family and retail, commercial uses.



The subject property is an unpaved parking lot, denoted by a red star.



The subject property from Taylor Avenue and Lasalle Street.



The property to the west along Lasalle Street is developed with retail uses.



The property to the north along Lasalle Street is developed with retail and commercial uses.

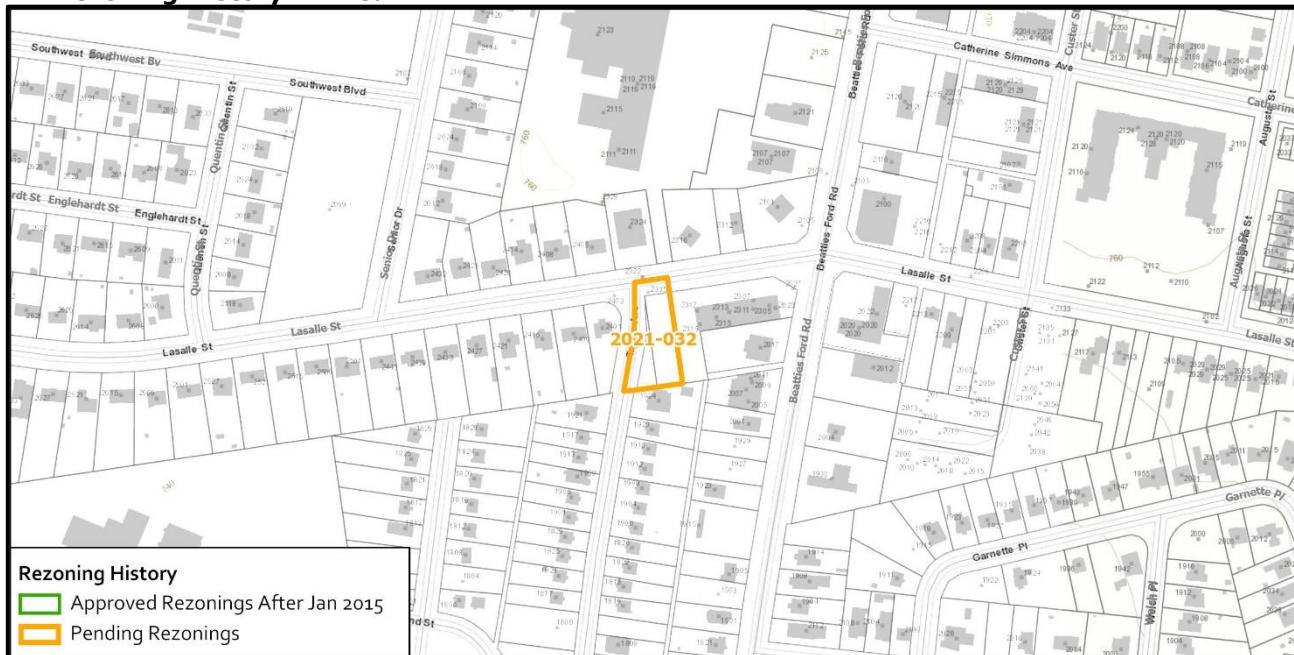


The property to the east along Taylor Avenue is developed with single family homes.



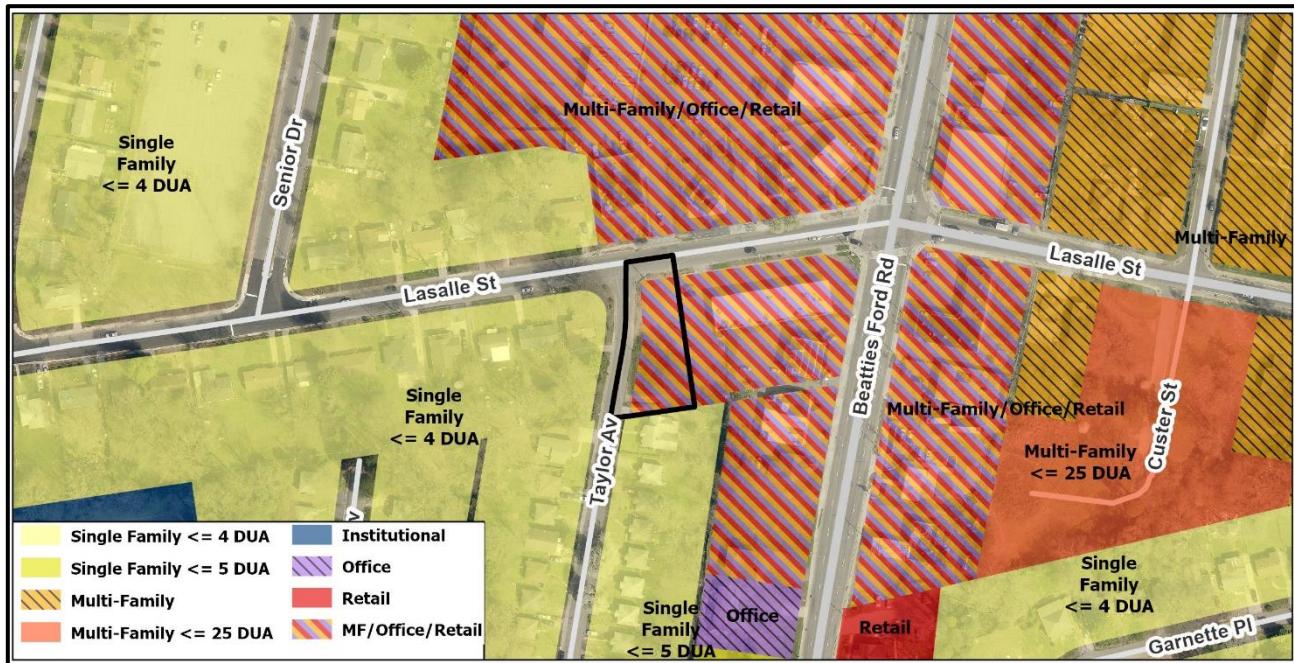
The property to the south along Taylor Avenue is developed with single family homes.

- **Rezoning History in Area**



**There have been no recent rezonings in this area**

- **Public Plans and Policies**



- The *West End Land Use & Pedscape Plan (2005)* calls for multi-family/office/retail for this site.
- **TRANSPORTATION SUMMARY**
  - The site is located on a City-maintained collector road (Lasalle Street). There are two active projects near the site: Beatties Ford Road Parallel Bike Boulevard and Lasalle Street and Beatties Ford Road Intersection Improvements. Both projects are planned to start in early 2021. The petitioner will install curb and gutter, 8-foot planting strip, 6-foot sidewalk, and accessible ramps along Taylor Avenue, in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right-of Way Accessibility Guidelines (PROWAG). All outstanding CDOT comments have been addressed.
  - **Active Projects:**
    - Beatties Ford Road Corridor of Opportunity

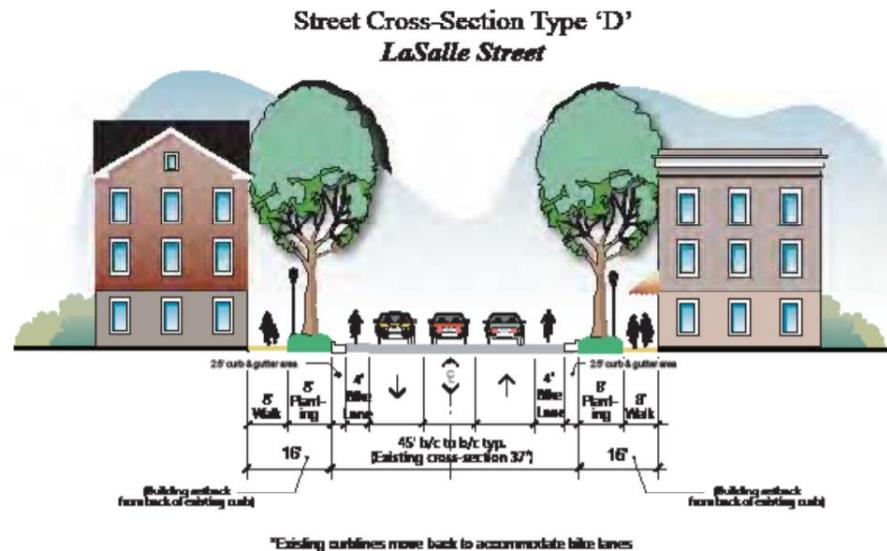
- Beatties Ford Road Parallel Bike Boulevard
  - This project will provide bicycle connectivity through the neighborhoods along the east and west sides of Beatties Ford Road from Oaklawn Avenue to Gilbert Street. Improvements will include traffic-calming measures, wayfinding signage and pavement markings, etc.
  - Project start date: Early 2021
- LaSalle Street and Beatties Ford Road Intersection Improvements
  - This project will construct improvements compliant with the Americans with Disabilities Act (ADA), add leading pedestrian interval signals and truck aprons, mount traffic signals to mast arms, and realign crosswalks to shorten pedestrian crossing times.
  - Project start date: Early 2021
- **Transportation Considerations**  
~~See Outstanding Issues, Note 13~~ **ADDRESSED**
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 0 trips per day (based on vacant land).  
Entitlement: 55 trips per day (based on 4,500 square-feet of office uses).  
Proposed Zoning: 0 trips per day (based on parking lot use).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See Outstanding Issues, Note 6
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Transportation

1. **Curbline:** The proposed zoning district has a setback measured from back of the existing or proposed future curbline.  
*Addressed*
  - a. **LaSalle Street:** The future location of curb and gutter needs to be moved 5 feet from its existing location to accommodate a 5 foot bike lane, per the West End Land Use & Pedestrian Plan (see cross-section below).  
*Addressed*



- b. **Taylor Avenue:** Location of proposed curb and gutter needs to be installed at the existing edge of pavement, per Chapter 19-173 of the City Code. **Addressed**

~~Label and dimension the curb and gutter from the centerline for each road on the site plan.~~  
**Addressed**

2. ~~Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip and 6-foot sidewalk on Taylor Avenue and an 8-foot planting strip and 8-foot sidewalk on LaSalle Street, per the West End Land Use & Pedestrian Plan. The site plan shall label and dimension both items from the back of curb and gutter and road centerline.~~ **Addressed**
3. ~~A site plan note(s) specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued is needed. CDOT requests rights-of-way set at 2-feet behind back of sidewalk where feasible.~~ **Addressed**
4. ~~A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**
5. ~~Site plan and conditional note(s) revisions are needed to provide two accessible ramps in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right of Way Accessibility Guidelines (PROWAG) at the intersection of LaSalle Street and Taylor Avenue.~~ **Addressed Environment**
6. ~~Revise site plan to show either the protected Tree Save Area or the areas for replanted Tree Save Area that follows Chapter 21 of the City code.~~ **Addressed Site and Building Design**
7. ~~Remove parking out of the required setback along both street frontages.~~ **Addressed**
8. ~~Revised site plan to allow space for parking lot screening shrubs.~~ **Addressed**
9. ~~Revise site plan notes to modify lighting height to 22-feet.~~ **Addressed**
10. ~~Add a note to allow circulation for an accessory service lane for an abutting ATM between the building and public street.~~ **Addressed**

#### **REQUESTED TECHNICAL REVISIONS**

##### Land Use

11. ~~Revise site plan to show current zoning as O-2 PED and proposed zoning as B-1 PED-O.~~ **Addressed**
12. ~~Remove note "Egress previously rezoned and permitted not a part of this rezoning".~~ **Addressed**
13. ~~Site plan revisions are needed to incorporate minor updates along Taylor Avenue, including revising the proposed 2'-curb and gutter to 2'-6"-curb and gutter per CLDSM and USDG standards, removing the truncated domes on the proposed driveway per CLDSM Type II Modified driveway standards, and extending the proposed sidewalk to the property line.~~ **Addressed**

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225

